

JOURNAL OF THE FLORIDA SENATE

Thursday, May 24, 1973

The Senate was called to order by the President at 9:00 a.m.

A quorum present—37:

Mr. President	Graham	Pettigrew	Vogt
Brantley	Gruber	Plante	Ware
Childers	Johnson	Poston	Weber
Deeb	Johnston	Saunders	Williams
de la Parte	Lane (31st)	Saylor	Wilson
Firestone	Lane (23rd)	Scarborough	Winn
Gallen	Lewis	Sims	Zinkil
Gillespie	McClain	Smathers	
Glisson	Myers	Stolzenburg	
Gordon	Peterson	Sykes	

Excused: Senator Barron, periodically, in discharge of administrative duties; Senator Trask until 9:40 a.m., Senator Henderson until 9:25 a.m. and Senator Glisson from 2:00 p.m. until 3:00 p.m. to work on a committee assignment.

Prayer by the Senate Chaplain, Dr. Robert M. McMillan:

You have taught us, our God, that you are touched with the feeling of human weaknesses. There are so many in each of us and they are multiplied in all of us. We thank you, therefore, for the intensity of your care. We thank you that you go far beyond mere sympathy and that you are willing, in the measure of our faith, to restore us when we fall and revive us when our spirits are low. You do it in the word or touch of a friend: The song of the birds: The grandeur of the trees and all the wonders of nature. You do it in the quietness of our rooms: through the mouths of our children and in a still, small voice that each of us recognizes for ourselves. Thank you for all that you are and continue your good hand upon us. In the name of our Lord. Amen.

Amended statement of legislative intent, in lieu of that appearing on page 463, Journal of May 21:

It is the clear legislative intent that item 9a, on page 1 of the Senate Appropriations Act, SB 1343, is designed to support only those regional planning agencies in existence and functioning prior to the effective date of adoption of Chapter 380, F. S., and designated by the Division of State Planning as regional planning agencies within the meaning of Chapter 380, F.S. Nothing herein is intended to support new regional planning agencies or to alter the current power of local governments.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar recommends that the following bills be placed on Special Order for Thursday, May 24, 1973:

HJR 1424	SB 1187	SB 1074	SB 296
SB 508	SB 687	HB 1331	SB 74
HB 348	SB 561	HB 1915	SB 127
CS for HB 349	CS for HB 607	SB 1312	SB 922
SB 628	SB 743	HB 296	SB 1019
SB 608	CS for HB 734	SB 391	SB 1005
SB 609	SB 816	HB 1423	

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Rules and Calendar recommends that the following bills be placed on the Local Calendar for May 25, 1973:

SB 1330	SB 1337	HB 329	HB 954
SB 1332	SB 1338	HB 906	HB 955
SB 1333	SB 1339	HB 925	HB 956
SB 1334	SB 1341	HB 926	HB 957
SB 1336	SB 1342	HB 929	HB 961

HB 963	HB 1923	HB 1947	HB 2044
HB 967	HB 1924	HB 1948	HB 2045
HB 1005	HB 1932	HB 1950	HB 2046
HB 1061	HB 1933	HB 1951	HB 2047
HB 1147	HB 1934	HB 1961	HB 2049
HB 1150	HB 1937	HB 1964	HB 2055
HB 1151	HB 804	HB 1966	HB 2072
HB 1177	HB 931	HB 1968	HB 2074
HB 1178	HB 932	HB 1969	HB 2076
HB 1179	HB 960	HB 1978	HB 2079
HB 1182	HB 962	HB 1979	HB 2080
HB 1183	HB 964	HB 1980	HB 2081
HB 1224	HB 966	HB 1981	HB 2082
HB 1232	HB 968	HB 1993	HB 2094
HB 1262	HB 1007	HB 1994	HB 2095
HB 1397	HB 1009	HB 1995	HB 2096
HB 1484	HB 1091	HB 1996	HB 2097
HB 1564	HB 1139	HB 2000	HB 328
HB 1566	HB 1208	HB 2001	HB 1184
HB 1567	HB 1252	HB 2002	CS for HB 1236
HB 1572	HB 1253	HB 2004	HB 1931
HB 1573	HB 1254	HB 2010	HB 2003
HB 1574	HB 1565	HB 2017	HB 2073
HB 1575	HB 1653	HB 2020	SB 1345
HB 1576	HB 1881	HB 2021	SB 1346
HB 1577	HB 1885	HB 2027	SR 1347
HB 1588	HB 1887	HB 2029	SB 1350
HB 1882	HB 1888	HB 2030	SB 1352
HB 1884	HB 1893	HB 2031	HB 2075
HB 1886	HB 1894	HB 2032	HB 2098
HB 1917	HB 1902	HB 2033	SB 1331
HB 1918	HB 1903	HB 2035	SB 797
HB 1920	HB 1904	HB 2041	HB 965
HB 1921	HB 1930	HB 2042	SB 1356
HB 1922	HB 1946	HB 2043	SB 1351

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Ways and Means recommends the following pass:

HB 39	SB 944 with 2 amendments
SB 376	HB 1032
HB 589 with 1 amendment	SB 1090 with 1 amendment
SB 628 with 1 amendment	CS for HB 734 with 2 amendments
SB 749 with 1 amendment	

The Committee on Education recommends the following pass:

HB 32 with 1 amendment	SB 1221
HB 513 with 3 amendments	SB 1084
HM 1989	SB 894
SB 683 with 2 amendments	SB 525
SJR 318 with 2 amendments	

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 955

The Committee on Education recommends a Committee Substitute for the following:

SB 1021	SB 1190
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The Committee on Ways and Means recommends a Committee Substitute for the following: SB 296 with 3 amendments (recommended by the Committee on Judiciary)

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 665 (recommended by the Committee on Health and Rehabilitative Services)

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the calendar.

The Committee on Education recommends a Committee Substitute for the following: SCR 918 SB 759

The bills with Committee Substitutes attached were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends the following not pass:

CS for HB 379 SB 1283 SB 758

The bills were laid on the table.

ENGROSSING REPORT

Your Engrossing Clerk to whom was referred CS for SB 637 with 3 amendments reports that the Senate amendments have been incorporated and the bill is returned herewith.

ELMER O. FRIDAY, Secretary

The bill was certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SCR 1344 reports same has been enrolled, signed by the required Constitutional officers and filed with the Secretary of State on May 24, 1973.

ELMER O. FRIDAY, Secretary

Your Enrolling Clerk to whom was referred—

SB 161	SB 286	SB 575	SB 1329
SB 177	SB 309	CS for SB 881	
SB 217	SB 574	SB 908	

—reports same have been enrolled, signed by the required Constitutional officers and presented to the Governor on May 24, 1973.

ELMER O. FRIDAY, Secretary

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Brantley, HB 2023 was withdrawn from the Committee on Commerce by two-thirds vote and referred to the Committee on Rules and Calendar.

On motion by Senator Williams, House Bills 1746 and 862 were withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the Calendar.

REQUESTS FOR EXTENSION OF TIME

The Committee on Agriculture requests an extension of 10 days for the consideration of the following:

SB 661 by Senator Lane (31st)	SB 1008 by Senator Peterson
	SB 1056 by Senator Lewis

The Committee on Commerce requests an extension of 10 days for the consideration of the following:

HM 153 by Representative Tucker	HB 1419 by Representative Harllee
HB 1001 by Representative Birchfield	

The Committee on Governmental Operations requests an extension of 10 days for the consideration of the following:

SB 375 by Committee on Agriculture	SB 1036 by Senator Lewis
SB 752 by Senator Saunders	SB 1050 by Senator D. Lane
SB 763 by Senator Vogt	SB 1058 by Senator Winn
SB 767 by Senator Pettigrew	SB 1065 by Senator Zinkil
SB 768 by Senator Gordon	SB 1076 by Senator Graham
SB 771 by Senator Sykes	SB 1081 by Senator Johnson
SB 777 by Senator Vogt	SB 1087 by Senator D. Lane
SB 806 by Senator Gordon	SB 1088 by Senator D. Lane
CS for SB 170 by Senator Poston	SB 1100 by Senator J. Lane
SB 449 by Senator Saylor	SB 1113 by Senator Johnson
SB 453 by Senator McClain	SB 1122 by Senator Gordon
SB 470 by Senator Poston	SB 1133 by Senator Stolzenburg
SB 472 by Senator Brantley	SB 1167 by Senator Johnston
SB 487 by Senator Poston	SB 1172 by Senator Poston
SB 493 by Senator Vogt	SB 1182 by Senator Smathers
SB 497 by Senator D. Lane	SB 1198 by Senator Poston
SB 505 by Senator Pettigrew	SB 1210 by Senator de la Parte
SB 514 by Senator Glisson	SB 1216 by Senator Plante
SB 522 by Senator Deeb	SB 1218 by Senator Horne
SB 533 by Senator D. Lane	SB 1223 by Senator Plante
SB 543 by Senator Deeb	SB 1232 by Senator Trask
SB 613 by Senator Johnson	SB 1242 by Senator Smathers
SB 636 by Senator Gallen	SB 1260 by Senator de la Parte
SB 648 by Senator Johnson	SB 1274 by Senator Childers
SB 656 by Senator Scarborough	SB 1296 by Senator Smathers
SB 668 by Senator Johnson	SB 1297 by Senator Smathers
SB 693 by Senator Pettigrew	SB 1298 by Senator Smathers
SB 694 by Senator Pettigrew	SB 1310 by Senator Deeb
SJR 695 by Senator Pettigrew	CS for SB 235 by Committee on Natural Resources
SB 698 by Senator Johnson	SB 815 by Senator Pettigrew
SB 699 by Senator Johnson	SB 981 by Senator Pettigrew
SB 710 by Senator Pettigrew	HB 314 by Representative Tucker
SB 715 by Senator Pettigrew	CS for HB 410 by Representative Smith
SB 837 by Senator Myers	CS for HB 622 by Representative Spicola
SB 859 by Senator Trask	HB 672 by Representative Hodes
SB 863 by Senator Johnson	HB 675 by Representative Hodes
SB 897 by Senator Glisson	HB 803 by Committee on Agriculture
SB 907 by Senator Childers	HB 862 by Representative Harllee
SB 916 by Senator Childers	HB 1568 by Representative Kiser
SB 927 by Senator Peterson	HB 1621 by Representative Poorbaugh
SB 928 by Senator Poston	HB 1929 by Committee on Community Affairs
SB 935 by Senator Johnson	HB 1343 by Representative Brown
SB 938 by Senator de la Parte	
SB 947 by Senator Gillespie	
SB 957 by Senator de la Parte	
SB 962 by Senator Pettigrew	
SB 965 by Senator Pettigrew	
SJR 969 by Senator Brantley	
SB 1013 by Senator Gillespie	
SB 1018 by Senator Firestone	
SB 1027 by Senator Glisson	
SB 1029 by Senator Brantley	

The Committee on Judiciary requests an extension of 10 days for the consideration of the following:

SB 138 by Senator McClain	HB 1720 by Elections Committee
SB 99 by Senator Weber	CS for HB 1289 by Judiciary Committee
SB 610 by Senator de la Parte	HB 1024 by Representative Forbes
CS for HB 466 by Elections Committee	SB 801 by Senator Plante
HB 972 by Representative Webb	

The Committee on Transportation requests an extension of 10 days for the consideration of the following:

SB 428 by Senator Gruber	HB 1955 by Committee on Finance and Taxation
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The following Conference Committee Report was received and read:

CONFERENCE COMMITTEE REPORT ON SB 254

The Honorable Mallory E. Horne
President of the Senate

May 22, 1973

The Honorable Terrell Sessums
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on House Amendment Number 2 to Senate Bill 254, same being:

An act relating to executive appointments; amending §112.071(1)(a), (b), Florida Statutes, to provide that a data sheet containing background or biographical material concerning the appointee be sent to the senate with each appointment; providing an effective date.

having met, and after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

1. That the House recede from Amendment Number 2 to SB 254, both houses having concurred in Amendments Numbers 1 and 3.
2. That the Senate and House of Representatives adopt the Conference Committee Amendment to SB 254 attached hereto, and by reference made a part of this report.

Ralph R. Poston, Sr.
Thomas H. Johnson
Richard A. Pettigrew

John Harllee
S. Curtis Kiser
Ronald R. Richmond

Conference Committee Amendment 1—On page 2, line 30, after the word "senate," insert the following: *Any appointment made after a general election in which a governor is elected and before the first Tuesday after the first Monday in January following the general election may be withdrawn by the successor to the governor who made the appointment.*

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 24, 1973

I am directed to inform the Senate that the House of Representatives has adopted—

SCR 822

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Mallory E. Horne, President May 23, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Tillman—

HB 732—A bill to be entitled An act relating to Chapter 470, Florida Statutes; directing the statutory revision department to change certain terminology in the funeral directors and embalmers law; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 732, contained in the above message, was read the first time by title and referred to the Committee on Consumer Affairs.

The Honorable Mallory E. Horne, President May 23, 1973

I am directed to inform the Senate that the House of Representatives has passed—

By Representative Danahy and others—

HB 1965—A bill to be entitled An act relating to the City of Tampa; authorizing the division of beverage of the department of business regulation to issue a beverage license to the City of Tampa for use within the complex known as Curtis Hixon Hall; providing for application; providing for transfer; providing an effective date.

Proof of Publication attached.

By Representative J. R. Clark and others—

HB 2034—A bill to be entitled An act relating to the City of Lakeland, Polk County; authorizing the division of beverage, department of business regulation of the State of Florida, to issue a beverage license to the City of Lakeland, or its assigns, for the operation of a three-building complex known as the Lakeland Civic Center; providing an effective date.

Proof of Publication attached.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

Evidence of notice and publication was established by the Senate as to House Bills 1965 and 2034.

House Bills 1965 and 2034, contained in the above message, were read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Mallory E. Horne, President May 23, 1973

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Elections and Representative Savage—

HB 1936—A bill to be entitled An act relating to elections; amending §99.092, F.S., to provide a new method of computing the amount of filing fees and to exempt certain persons from the payment of filing fees and party assessments; creating §99.095, F.S., to provide an alternative method of ballot access for candidates of limited means; providing for petitions; providing for verification of signatures and payment therefor; providing for certification by the department of state; amending §§99.152, 99.153, 101.261(3), and 101.262, F.S., relating to independent candidates and minority party candidates, to provide for waiver of certain fees for candidates of limited means and modifying the petitioning requirements; repealing §99.101, F.S., relating to filing fees for certain political party officers; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

HB 1936, contained in the above message, was read the first time by title and referred to the Committee on Judiciary.

RECONSIDERATION

Consideration of CS for SB 1066 and HB 821 was deferred.

The President Pro Tempore presiding.

SPECIAL ORDER

HJR 1424—A joint resolution proposing an amendment to the Constitution of the state of Florida; amending section 10 of Article 7; relating to joint ownership, construction and operation of electrical energy generating or transmission facilities.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to section 10 of Article 7 of the State Constitution, is agreed to and shall be submitted to the electors of Florida for ratification or rejection at the next general election to be held in November, 1974.

SECTION 10. Pledging credit.—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend or use its taxing power or credit to aid any corporation, association, partnership or person; but this shall not prohibit laws authorizing:

- (a) the investment of public trust funds;
- (b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;
- (c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation or leasing of the projects. If any project so financed, or any part thereof, is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.
- (d) *a municipality, county, special district, or agency of any of them, being a joint owner of, giving, or lending or using its taxing power or credit for the joint ownership, construction and operation of electrical energy generating or transmission facilities with any corporation, association, partnership or person.*

—was read the second time. On motion by Senator Brantley, by two-thirds vote HJR 1424 was read the third time in full, passed with the required constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—31

Brantley	Johnson	Plante	Vogt
Deeb	Lane (31st)	Poston	Ware
de la Parte	Lane (23rd)	Saunders	Weber
Firestone	Lewis	Saylor	Williams
Gallen	McClain	Scarborough	Wilson
Gillespie	Myers	Sims	Winn
Glisson	Peterson	Smathers	Zinkil
Gordon	Pettigrew	Sykes	

Nays—1

Gruber

By unanimous consent Senator Childers was recorded as voting yea.

SB 508—A bill to be entitled An act relating to insurance; amending section 627.331, Florida Statutes, by adding subsection (5); providing that the margin of underwriting profit on certain compulsory types of coverages shall not exceed a reasonable amount, to be determined by the department of insurance, of the gross earned premiums on said coverages; requiring insurers to file their premium, loss, and expense experience on coverages providing security under chapter 440, chapter 324, and sections 627.730-627.741, Florida Statutes; providing that insurers who have a profit exceeding a reasonable amount of their gross earned premiums shall refund such excess profits or credit such profits to their policyholders upon renewal of their policies; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Brantley:

Amendment 1—On page 2, lines 6-13, strike "In the event that any of such three (3) years experience compilations reflect underwriting profits in excess of those determined by the department of insurance to be reasonable, the department shall direct the insurers earning said excess profits to refund

said excess profits to their policyholders or credit said excess profits to their policyholders upon renewal of their policies."

Senators Gillespie and Vogt offered the following substitute amendment which was adopted on motion by Senator Gillespie:

Amendment 2—On page 2, strike lines 1 through 17 and insert: (5) Notwithstanding any other provisions of this part all insurers shall annually, on or before June 1, file their actual premium, incurred losses, and expense experience on those coverages providing required security under the provisions of sections 627.730-627.742 for the preceding three (3) calendar years. In the event that any of such three year experience compilations reflect underwriting profits in excess of those determined by the department of insurance to be reasonable, the department shall direct each insurer earning said excess profits to refund said excess profits to their policyholders whose coverages were in effect at the time such a determination is made, or credit said excess profits to their policyholders upon renewal of their policies. Excess underwriting profits are defined as any underwriting profits in excess of the amount budgeted for profit and contingencies in the individual company rate filings in use during the three year experience period provided for in this subsection.

Senators Gillespie and Vogt offered the following amendment which was adopted on motion by Senator Gillespie:

Amendment 3—On page 1, line 15, strike "chapter 440, chapter 324, and"

Senators Gillespie and Vogt offered the following amendment which was adopted on motion by Senator Gillespie:

Amendment 4—On page 1, line 22, after the word "policies;" insert: providing a definition for excessive profits;

On motion by Senator Gillespie, by two-thirds vote SB 508 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—34

Brantley	Gruber	Peterson	Stolzenburg
Deeb	Henderson	Pettigrew	Sykes
de la Parte	Johnson	Plante	Vogt
Firestone	Johnston	Poston	Ware
Gallen	Lane (31st)	Saunders	Wilson
Gillespie	Lane (23rd)	Saylor	Winn
Glisson	Lewis	Scarborough	Zinkil
Gordon	McClain	Sims	
Graham	Myers	Smathers	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

HB 348—A bill to be entitled An act relating to premium finance companies; amending §627.828(1) and (2), Florida Statutes, 1972 Supplement; requiring that every applicant for license as a premium finance company under part XIV, chapter 627, Florida Statutes, show proof of net worth of thirty-five thousand dollars (\$35,000) or file a surety bond or other acceptable collateral with the department; requiring every licensed premium finance company to maintain such net worth; allowing existing licensed premium finance companies a three (3) year period in which to attain such net worth; providing an effective date.

—was read the second time by title. On motion by Senator Brantley, by two-thirds vote HB 348 was read the third time by title, passed and certified to the House. The vote was:

Yeas—34

Brantley	Gillespie	Henderson	Lewis
Deeb	Glisson	Johnson	McClain
de la Parte	Gordon	Johnston	Myers
Firestone	Graham	Lane (31st)	Peterson
Gallen	Gruber	Lane (23rd)	Pettigrew

Plante	Scarborough	Sykes	Winn
Poston	Sims	Vogt	Zinkil
Saunders	Smathers	Ware	
Sayler	Stolzenburg	Wilson	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

CS for HB 349—A bill to be entitled An act relating to insurance windstorm apportionment plans; amending section 627.351(6), Florida Statutes; limiting an insurer's liability for catastrophe losses during one year to 5% of its policyholder's surplus allocable to its Florida operations; providing an effective date.

—was read the second time by title.

Senator Pettigrew offered the following amendment which was adopted on motion by Senator Brantley:

Amendment 1—On page 1, line 9, following the word "operations" insert: , except that if losses exceed the funds provided by the 5% limit, the limit shall be increased to provide sufficient funds

On motion by Senator Brantley, by two-thirds vote CS for HB 349 as amended was read the third time by title and passed. The vote was:

Yeas—31

Brantley	Graham	McClain	Smathers
Deeb	Gruber	Peterson	Sykes
de la Parte	Henderson	Pettigrew	Vogt
Firestone	Johnson	Plante	Ware
Gallen	Johnston	Poston	Wilson
Gillespie	Lane (31st)	Saunders	Winn
Glisson	Lane (23rd)	Sayler	Zinkil
Gordon	Lewis	Sims	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

The bill with amendment was delivered to the engrossing clerk.

SB 628—A bill to be entitled An act relating to capitol security; amending §§272.13-272.15, Florida Statutes; creating a capitol center security commission; providing its membership, powers and duties; removing certain powers of the department of general services; providing the commission authority for security of the capitol center area; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar offered the following amendment which was adopted on motion by Senator Firestone:

Amendment 1—On page 1, line 19 after the words "composed of" strike balance of line 19, all of lines 20 and 21 and the word "senate" on line 22 and insert: the governor and cabinet, four members of the house of representatives appointed by the speaker of the house of representatives and four senators appointed by the president of the senate, all of whom shall serve ex officio.

On motion by Senator Firestone, by two-thirds vote SB 628 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—30

Brantley	Graham	Peterson	Sykes
Deeb	Gruber	Pettigrew	Vogt
de la Parte	Johnston	Plante	Ware
Firestone	Lane (31st)	Poston	Wilson
Gallen	Lane (23rd)	Saunders	Winn
Gillespie	Lewis	Sayler	Zinkil
Glisson	McClain	Sims	
Gordon	Myers	Smathers	

Nays—3

Henderson	Johnson	Williams
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By unanimous consent Senator Childers was recorded as voting yea.

On motion by Senator Firestone, the rules were waived and SB 628 was ordered immediately certified to the House, after engrossing.

SB 608—A bill to be entitled An act relating to district school boards; amending section 230.22, subsection (1), Florida Statutes, to provide that the school board shall establish school advisory committees, develop plans for their establishment, prescribe their functions, and make annual evaluation of their effectiveness; providing for review by the state department of education; providing an effective date.

—was read the third time as amended, passed and certified to the House. The vote was:

Yeas—28

Brantley	Gordon	McClain	Sims
Deeb	Graham	Myers	Smathers
de la Parte	Gruber	Peterson	Sykes
Firestone	Henderson	Pettigrew	Vogt
Gallen	Lane (31st)	Plante	Ware
Gillespie	Lane (23rd)	Poston	Wilson
Glisson	Lewis	Sayler	Winn

Nays—4

Johnson	Johnston	Williams	Zinkil
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By unanimous consent Senator Childers was recorded as voting yea.

SB 609—A bill to be entitled An act relating to education; amending Section 233.34, Florida Statutes; providing that 25 per cent of the textbook fund may be used for textbooks not on the state-adopted list.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote SB 609 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Deeb	Gruber	Myers	Sykes
de la Parte	Henderson	Peterson	Vogt
Firestone	Johnson	Pettigrew	Ware
Gallen	Johnston	Plante	Williams
Gillespie	Lane (31st)	Poston	Wilson
Glisson	Lane (23rd)	Sayler	Winn
Gordon	Lewis	Sims	Zinkil
Graham	McClain	Smathers	

Nays—None

By unanimous consent Senator Childers was recorded as voting yea.

SB 1187—A bill to be entitled An act relating to education; providing for time-shortened educational programs at all levels of education; authorizing the waiver of regulations and reallocation of funds by the board of education as necessary; providing for an annual report; providing an effective date.

—was read the second time by title. On motion by Senator Graham, by two-thirds vote SB 1187 was read the third time by title, passed and certified to the House. The vote was:

Yeas—31

Childers	Firestone	Glisson	Gruber
Deeb	Gallen	Gordon	Henderson
de la Parte	Gillespie	Graham	Johnson

Johnston	Myers	Sims	Williams
Lane (31st)	Peterson	Smathers	Wilson
Lane (23rd)	Plante	Sykes	Winn
Lewis	Poston	Vogt	Zinkil
McClain	Sayler	Ware	

Nays—None

By unanimous consent Senator Pettigrew was recorded as voting yea.

SB 687—A bill to be entitled An act relating to financial matters; amending §215.47(3) and (4), Florida Statutes, to increase from 65 to 90 percent the investment permitted certain funds in specified interest bearing corporate obligations; providing that investment of certain trust or agency funds in stock or interest bearing obligations of certain corporations or in specified types of annuities not exceed 25% of any such funds and that not more than 3% of any fund may be invested in securities of any one corporation; repealing §215.47(2)(c) and (d), relating to investment limitations; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was adopted on motion by Senator Sayler:

Amendment 1—On page 2, line 18, strike “ninety” and insert: *eighty*

The Committee on Governmental Operations offered the following amendment which was adopted on motion by Senator Sayler:

Amendment 2—On page 1, line 6 of title, strike “90” and insert: 80

On motion by Senator Sayler, by two-thirds vote SB 687 as amended was read the third time by title, passed and ordered engrossed. The vote was:

Yeas—32

Brantley	Gordon	Myers	Smathers
Childers	Graham	Peterson	Sykes
Deeb	Gruber	Pettigrew	Vogt
de la Parte	Johnson	Plante	Ware
Firestone	Johnston	Poston	Weber
Gallen	Lane (31st)	Sayler	Wilson
Gillespie	Lane (23rd)	Scarborough	Winn
Glisson	Lewis	Sims	Zinkil

Nays—None

SB 561 was taken up, together with:

By the Committee on Governmental Operations—

CS for SB 561—A bill to be entitled An act relating to the Florida construction industry licensing board; amending §§468.101, 468.102(1), 468.103, 468.106(2), (3) and (4), 468.109(2) and 468.110(1), Florida Statutes, 1971, and §§468.105(1)(a) and (b) and (3), 468.113(2) and (7), and 468.114(2), Florida Statutes, 1972 Supplement; eliminating certain registration requirements; providing for the inclusion of mechanical contractors, pool contractors, sheet metal contractors, air conditioning contractors and roofing contractors under the provisions of part II of chapter 468, Florida Statutes, and in the membership of said board; providing for alternate members; providing for a public member on said board; providing for registration in additional areas of the state; requiring certain educational or experience qualifications as a prerequisite to taking an examination; requiring certain insurance as a prerequisite to issuance of a certificate; providing that an applicant may waive in writing the confidentiality of his examination for purposes of discussion at meetings of the board; relating to occupational licenses for certain types of contractors; authorizing local boards to request annually the names of

those certified or registered; repealing §468.105(1)(c) and (2), Florida Statutes, 1972 Supplement, relating to registration, to conform to this act; providing an effective date.

—which was read the first time by title and SB 561 was laid on the table.

On motion by Senator Deeb, by two-thirds vote CS for SB 561 was read the second time by title.

On motion by Senator Brantley the following amendment was adopted:

Amendment 1—On page 14, line 27, strike the period and insert: and such examinations shall be administered by the independent testing agency.

On motion by Senator Deeb, by two-thirds vote, CS for SB 561 as amended was read the third time by title.

Senator Vogt moved that the Senate reconsider the vote by which CS for SB 561 was read the third time and the Senate refused to reconsider.

Senator Vogt moved the adoption of the following amendment which failed:

Amendment 2—On pages 3 and 4, lines 30 and 1 strike “and design”

On motion by Senator Gallen the following amendment was adopted by two-thirds vote:

Amendment 3—On page 15, line 26, strike all of Section 6 and renumber

Senator Gallen moved the adoption of the following amendment which failed to receive the necessary two-thirds vote:

Amendment 4—On page 12, strike lines 23 thru 28 page 13 line 1 thru 29 and lines 1—4 on page 14 and renumber

Senator Plante presiding

The vote was:

Yeas—19

Childers	Henderson	Peterson	Vogt
Gallen	Johnson	Plante	Wilson
Glisson	Johnston	Stolzenburg	Winn
Gordon	Lane (23rd)	Sykes	Zinkil
Graham	Myers	Trask	

Nays—13

Brantley	Gruber	Sayler	Weber
Deeb	Lane (31st)	Scarborough	
Firestone	McClain	Sims	
Gillespie	Poston	Ware	

CS for SB 561 as amended passed and was ordered engrossed. The vote was:

Yeas—24

Deeb	Lane (31st)	Plante	Trask
Firestone	Lane (23rd)	Poston	Ware
Gillespie	Lewis	Sayler	Weber
Gordon	McClain	Scarborough	Wilson
Graham	Myers	Sims	Winn
Gruber	Peterson	Smathers	Zinkil

Nays—6

Childers	Glisson	Johnston	Vogt
Gallen	Henderson		

On motion by Senator Deeb, the rules were waived and CS for SB 561 was ordered immediately certified to the House after engrossing.

On motion by Senator Myers, the rules were waived and CS for HB 382 was ordered immediately certified to the House.

CS for HB 607—A bill to be entitled An act relating to elections; voting systems; creating the electronic voting systems act; providing definitions; providing for approval of electronic or electromechanical voting systems by the secretary of state and establishing standards therefor; authorizing the adoption and use of approved systems by boards of county commissioners; providing for rule-making by the secretary of state; providing ballot format and requirements; requiring that certain tests be conducted on all tabulating equipment; providing for the canvassing of returns and the handling of ballots; providing recount procedures; amending the introductory paragraph to §101.28, Florida Statutes, to change rule-making authority from the division of purchasing of the department of general services to the division of elections of the department of state and to include electronic and electromechanical voting systems within such rule-making authority; amending §101.292 (2), Florida Statutes, by including electronic voting systems in the definition of voting equipment; amending §§101.293 and 101.294, Florida Statutes, to provide prior approval and general supervision by the division of elections of the department of state for certain voting equipment transactions and providing an additional standard therefor; providing an effective date.

—was read the second time by title.

The President Pro Tempore presiding.

On motion by Senator Firestone the following amendment was adopted:

Amendment 1—On page 4, line 9 after the period, insert: The person submitting a system for approval or the board of county commissioners of any county seeking approval of a given system shall reimburse the department of state in an amount equal to the actual costs incurred by the department in examining the system. Such reimbursement shall be made whether or not the system is approved by the secretary of state.

On motion by Senator Firestone the following amendment was adopted:

Amendment 2—On page 17, line 26, strike "in 1975" and insert: April 1, 1974

On motion by Senator Firestone, by two-thirds vote CS for HB 607 as amended was read the third time by title.

On motion by Senator Wilson the following amendment was adopted by two-thirds vote:

Amendment 3—On page 6, lines 26, 27 and 28 strike the comma on line 26, all of line 27 and part of line 28 ending with the word "pages" on line 28 and insert: a period (.) after the word "ballots" on line 26.

CS for HB 607 as amended passed and was certified to the House. The vote was:

Yeas—27

de la Parte	Henderson	Peterson	Trask
Firestone	Johnston	Pettigrew	Vogt
Gillespie	Lane (31st)	Plante	Ware
Glisson	Lane (23rd)	Poston	Williams
Gordon	Lewis	Saunders	Winn
Graham	McClain	Saylor	Zinkil
Gruber	Myers	Smathers	

Nays—11

Brantley	Gallen	Sims	Weber
Childers	Johnson	Stolzenburg	Wilson
Deeb	Scarborough	Sykes	

Senator Firestone moved that the rules be waived and CS for HB 607 be immediately certified to the House.

Senator Johnston moved as a substitute motion that the Senate reconsider the vote by which CS for HB 607 passed.

Senator Firestone moved as an amendment to the substitute motion that the Senate immediately reconsider the vote by which CS for HB 607 passed. The motion failed to receive the necessary two-thirds vote for adoption. The vote was:

Yeas—22

de la Parte	Gruber	Plante	Smathers
Firestone	Henderson	Poston	Vogt
Gillespie	Lane (23rd)	Saunders	Winn
Glisson	McClain	Saylor	Zinkil
Gordon	Myers	Scarborough	
Graham	Pettigrew	Sims	

Nays—17

Barron	Johnson	Stolzenburg	Williams
Brantley	Johnston	Sykes	Wilson
Childers	Lane (31st)	Trask	
Deeb	Lewis	Ware	
Gallen	Peterson	Weber	

SB 465 was laid on the table.

RECONSIDERATION

The motion by Senator Trask on May 23 that the Senate reconsider the vote by which—

CS for SB 1066—A bill to be entitled An act relating to insurance; amending sections 627.730, 627.731, 627.732(1) and 627.735(1), Florida Statutes, 1971, repealing section 627.734(3), Florida Statutes, 1971, and creating section 627.742, Florida Statutes; providing definitions of "motor vehicle," "private passenger motor vehicle," "commercial motor vehicle," "providing exemptions to be defined as "other mobile equipment" which shall include federal government vehicles; removing the exemption for motor vehicles owned by the state or its political subdivisions; providing for suspension of operator's license and registration; providing a penalty for non-compliance; establishing benefits for persons injured in commercial motor vehicle accidents occurring in Florida; requiring the department to make a study of no fault insurance; providing an effective date.

—passed on May 23, was taken up and adopted; and the Senate reconsidered the vote.

On motions by Senator Scarborough, the rules were waived and the Senate immediately reconsidered the vote by which Amendments 1 and 2 to CS for SB 1066 were adopted on May 23.

The question recurred on the adoption of the amendments which failed.

Senator Gillespie moved that time of adjournment be extended until final action on CS for SB 1066 and the motion failed.

Senator McClain moved the adoption of the following amendment:

Amendment 3—On page 4, strike lines 11 and 12 and insert: Section 5. Section 627.738 Florida Statutes is amended by adding the following sub-section:

(6) Notwithstanding the provisions of sub-section (4) of this section no commercial vehicle or other mobile equipment shall be exempt from tort liability for property damage to any motor vehicle.

Section 5. This act shall take effect on January 1, 1975.

The motion to reconsider HB 821 was abandoned and the bill ordered certified to the House.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to consider the following bills at the meeting this day: Senate Bills 1236, 804, 893, 974, 1249, 664, 906, 1163, 1224, 1301, 1033, 1246, 140 (HB 1129), 164, 644, 961, 134, 849, 954, CS for SB 1325, House Bills 81, 787, 308, 205, and CS for HB's 2, 41 & 503.

On point of order by Senator Barron, SB 1351 was removed from the local calendar and referred to the Committee on Natural Resources and Conservation.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:03 p.m. to reconvene at 2:00 p.m. this day.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—33:

Mr. President	Graham	Pettigrew	Ware
Barron	Gruber	Poston	Weber
Brantley	Henderson	Saunders	Williams
Childers	Johnson	Sims	Wilson
de la Parte	Lane (31st)	Smathers	Winn
Firestone	Lane (23rd)	Stolzenburg	Zinkil
Gallen	Lewis	Sykes	
Gillespie	McClain	Trask	
Gordon	Peterson	Vogt	

The Senate resumed—

CS for SB 1066—A bill to be entitled An act relating to insurance; amending sections 627.730, 627.731, 627.732(1) and 627.735(1), Florida Statutes, 1971, repealing section 627.734(3), Florida Statutes, 1971, and creating section 627.742, Florida Statutes; providing definitions of "motor vehicle," "private passenger motor vehicle," "commercial motor vehicle;" providing exemptions to be defined as "other mobile equipment" which shall include federal government vehicles; removing the exemption for motor vehicles owned by the state or its political subdivisions; providing for suspension of operator's license and registration; providing a penalty for non-compliance; establishing benefits for persons injured in commercial motor vehicle accidents occurring in Florida; requiring the department to make a study of no fault insurance; providing an effective date.

—together with pending amendment by Senator McClain.

Senators Barron and McClain offered the following substitute amendment which was adopted by two-thirds vote on motion by Senator Barron:

Amendment 4—On page 5, between lines 2 and 3 insert: Section 8. Section 627.738, Florida Statutes, is amended by adding the following subsection:

(6) Notwithstanding the provisions of subsection (4) of this section no commercial vehicle or other mobile equipment shall be exempt from tort liability for property damage to any motor vehicle if the motor vehicle which is not at fault is uninsured for property damage caused by collision.

Renumber subsequent sections.

On motion by Senator Barron the following title amendment was adopted:

Amendment 5—On page 1, line 20, after the semi-colon insert: amending section 627.738, Florida Statutes, by adding subsection (6) to said section, providing that no commercial vehicle or mobile equipment shall be exempt from tort liability;

CS for SB 1066 passed as further amended and was ordered engrossed. The vote was:

Yeas—36

Mr. President	Gruber	Peterson	Sykes
Barron	Henderson	Plante	Trask
Brantley	Johnson	Poston	Vogt
Childers	Johnston	Saunders	Ware
Deeb	Lane (31st)	Saylor	Weber
Firestone	Lane (23rd)	Scarborough	Williams
Gallen	Lewis	Sims	Wilson
Gordon	McClain	Smathers	Winn
Graham	Myers	Stolzenburg	Zinkil

Nays—1

Pettigrew

President: The purpose of this special interlude in our proceedings is to announce to the Senate that effective Monday, June 4, the Senate Governmental Operations Committee will commence to offer to those Senators desiring to participate, a modified version of an ombudsman service located here in the Capitol.

For the purpose of making this announcement, a representative of each department with headquarters in Tallahassee (this would exclude citrus and military) have been invited to be in attendance and are seated in the west balcony.

This new service will allow any Senator, a Senator's aide or secretary acting on behalf of a Senator, to phone or write the Governmental Operations Committee for the central processing of constituent inquiries or complaints dealing with services rendered by Florida state government.

The concept of offering this new service to the Senate came about through my own district office experience and that of a number of other Senators I talked with which resulted in a determination that collectively we as Senators were spending a substantial, if not a major, portion of our time calling upon or corresponding with the entire range of responsible officials in state government in an attempt to secure answers to questions raised by our constituents.

More often than not a great deal of time and energy has been wasted just trying to find the right person responsible for the program in question.

Once the right person was located, we often experienced a substantial time-lag between the initial inquiry and response leaving the constituent puzzled about the responsiveness of his state government and the district Senator frustrated because the incident also reflected upon his office.

So, with that brief background explanation, I began exploring the alternatives for expediting this type of time-consuming district office work.

In discussion with other Senators on the subject, the concept of a centralized clearinghouse—an ombudsman program, if you please—began to take shape and ultimately emerged in the form we are presenting to you today.

It appeared only natural, from an organizational standpoint, that such a service should be housed in the Senate Governmental Operations Committee.

I now want to recognize and call upon Senator Jim Williams, Chairman of the Governmental Operations Committee, for his remarks on how this service will function.

Senator Williams: When President Horne first assigned this project to Governmental Operations, just prior to the session, it occurred to us that while we knew what the problem was, there was no way of knowing the extent or volume of inquiries currently processed by 40 Senators or what volume would be routed to Tallahassee for processing when the new service became available.

What we did know—or at least contemplated—was that recordkeeping would be most important to future legislative consideration of problem areas and response time would have to be kept to a minimum for the service to be of value.

At that point, we turned to the Auditor General and his Systems Division staff to see if the concept we had in mind could be incorporated into existing leased computer hardware.

Unfortunately the program cannot be fully computerized for another few months.

However, the Auditor's staff was able to design the system for us in a manner that will allow for manual processing, cross referencing by use of prepared forms and limited computer batch runs after which the entire file can be converted and stored in a computer.

The most important feature in this new service will be the indexes being prepared that will allow us to reach directly the responsible person in state government closest to the problem at hand.

This means that in order to develop meaningful information for the Senate's later use, it is our intention to go below the department level to the division, bureau, section or sub-section to find answers where the responsibility lies and the authorized program is being carried out.

The first index—still being revised—will locate every key person in the legislative, executive and judicial branches of state government. Eventually, if we desire to do so, the capability will be available to pinpoint the location of every state employee.

The second index, now in preparation, will identify every function in state government and where that function is being carried out. When we know where the function is being carried out, we can then identify the key person responsible for each function.

In addition to these indices, a complete tracking system for all inquiries will be in operation. This will allow the staff member to accurately inform the Senator of the current status of his request and the disposition of any of his previous requests.

Thus, beginning June 4th, as President Horne has pointed out, a Senator, aide or secretary may call our office on a toll-free WATS line providing the details of the inquiry being made—or the district office may write to us including whatever supporting documents are incidental to the inquiry—and our staff will process the inquiry and respond to your district office.

To protect against the unauthorized use of the incoming WATS line, the staff person receiving your phone inquiry will not respond during that call even if it is a repeat-type question with the answer readily at hand.

Rather, the staff will place a return call to your district office, if that is possible, or respond by letter.

Additionally, let me emphasize that this will be a service offered to Senators only and we will not engage in direct contact with your constituents. Our response will be for your individual evaluation for transmittal to your constituent if you so desire.

Another point to be clarified now is that the Senate Ombudsman project will not serve as intermediary between a constituent and a state agency.

This project is an information and fact-finding service for Senators only and is being designed so that at any time a Senator or a committee with jurisdiction in a particular area, can determine the volume and nature of inquiries, and responses, on a particular subject—the ability of the agency contacted to respond—and the time lapse in responding.

Not knowing at this time the extent to which you will use this service or the volume of your inquiries, we will do our very best to make this a meaningful service to you.

The incoming WATS line number and our mailing address will be furnished to each Senator prior to adjournment with a copy sent to your district offices.

President Horne: In conclusion let me emphasize to the executive department representatives present that the results of this effort will be most meaningful to you in future legislative deliberation in terms of your ability to respond, the nature of your responses and the timeliness of your response. We solicit your cooperation and advise you that our only objective is to make Florida state government more responsive to its citizens.

On motion by Senator Williams, the President appointed a committee composed of Senators Williams, Saunders and Trask to escort Congressman Bill Chappell to the rostrum where he addressed the Senate briefly.

The Senate resumed—

SPECIAL ORDER

SB 743—A bill to be entitled AN ACT relating to thoroughbred horse racing; permitting the attendance of minors at horse race meetings; prohibiting pari-mutuel wagering and purchase of alcoholic beverages by minors; adding Section

550.48, Florida Statutes, repealing inconsistent laws; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Scarborough and failed:

Amendment 1—On page 1, line 18, strike "under the age of majority" and insert: over the age of twelve (12)

On motion by Senator Lane (31st) the following amendment was adopted:

Amendment 2—On page 1, line 14, strike all of lines 14-29 and insert: Section 1. Section 550.48 is created to read:

550.48 Horse racing; attendance by minors; restrictions on wagering and purchase of alcoholic beverages.—

(1) Minors, twelve (12) and over, shall be permitted to attend thoroughbred, harness, and quarter horse racing meetings when accompanied by the minor's parent or legal guardian; provided, however, that no minor shall be permitted to participate directly or indirectly in pari-mutuel wagering or be permitted to consume alcoholic beverages while attending such race meeting.

(2) Each thoroughbred, harness, or quarter horse pari-mutuel permit holder shall reasonably ascertain and take reasonable precautions to prohibit wagering by minors and to prohibit the consumption of alcoholic beverages by minors in accordance with the rules of the Division of Pari-Mutuel Wagering.

On motion by Senator Lane (31st) the following amendment was adopted:

Amendment 3—On page 2, line 1, strike all of lines 1 through 5 and insert: Section 2. Every word, phrase, subsection or section of Chapter 550, Florida Statutes which is in conflict with the express provisions of this act are hereby repealed.

Section 3. This act shall take effect immediately upon becoming law.

On motion by Senator Lane (31st) the following amendment was adopted:

Amendment 4—On page 1, line 4, strike all of lines 4 through 10 and insert: An act relating to horse racing; permitting the attendance of minors, twelve (12) and over, at horse race meetings; prohibiting pari-mutuel wagering and purchase of alcoholic beverages by minors; adding Section 550.48, Florida Statutes, repealing inconsistent laws; providing an effective date.

On motion by Senator Lane (31st), by two-thirds vote SB 743 as amended was read the third time by title, and failed to pass. The vote was:

Yeas—14

Barron	Gruber	Myers	Wilson
Firestone	Johnson	Pettigrew	Winn
Gordon	Lane (31st)	Saunders	
Graham	Lane (23rd)	Scarborough	

Nays—17

Mr. President	Henderson	Sayler	Vogt
Childers	Johnston	Sims	Ware
Deeb	Lewis	Stolzenburg	
de la Parte	McClain	Sykes	
Gallen	Peterson	Trask	

By unanimous consent Senator Gillespie was recorded as voting nay.

On motion by Senator de la Parte, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 264—A bill to be entitled An act relating to youth services; amending §959.022, Florida Statutes, 1972 Supplement,

as created by §1, chapter 72-216, Laws of Florida; providing for the department of health and rehabilitative services to implement state-operated, regionally-administered detention services for children; providing for the establishment of detention areas designated as catchment areas; providing that the state shall take title to or lease certain existing county detention facilities; providing definitions; providing an appropriation; providing an effective date.

—as amended passed on May 23.

On motion by Senator de la Parte the following amendment was adopted by two-thirds vote:

Amendment 1—On page 4, strike all of lines nine through twenty-nine and insert:

12. Area 12.—Brevard and Indian River Counties;
13. Area 13.—Manatee, Hardee, Okeechobee and Highlands counties;
14. Area 14.—Sarasota and DeSoto counties;
15. Area 15.—Charlotte, Glades, Lee, Hendry and Collier counties;
16. Area 16.—Palm Beach, St. Lucie and Martin counties;
17. Area 17.—Broward county;
18. Area 18.—Dade and Monroe counties.

This designation of catchment areas shall not be construed to restrict the division from temporarily placing or transferring children from one catchment area into another.

(d) The department shall, if it has not already done so by the effective date of this act, assume the operation of the secure detention facilities in the counties of Alachua, Bay, Brevard, Broward, Dade (Youth Hall until the new county-built facility is completed), Duval, Escambia (Youth Harbor until the new county-built facility is completed), Highlands, Hillsborough (Seffner facility only), Lake, Lee, Leon, Manatee, Marion, Orange, Palm Beach, Pinellas, Polk

CS for SB 264 passed as further amended and was ordered engrossed. The vote was:

Yeas—31

Mr. President	Gordon	Myers	Sykes
Barron	Graham	Peterson	Trask
Childers	Gruber	Poston	Vogt
Deeb	Johnson	Saunders	Weber
de la Parte	Johnston	Sayler	Wilson
Firestone	Lane (23rd)	Sims	Winn
Gallen	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	

Nays—1

Ware

On motion by Senator de la Parte, the rules were waived and CS for SB 264 was ordered immediately certified to the House after engrossing.

On motion by Senator Saunders, Rule 2.5 was waived and the Committee on Ways and Means was granted permission to agenda SB 1103 for consideration at the meeting this day.

CS for HB 734—A bill to be entitled An act relating to education; establishing a new formula for distribution of minimum foundation program funds; providing for supplements thereto, providing for the required local effort, providing for categorical program funds; providing for supplemental program funds; establishing a new transportation funding formula; establishing a management information system; establishing a hold harmless provision; establishing a capital outlay program to finance K-12 public school construction; determining need; assuming local bonded indebtedness; providing a formula for allocating funds; providing for lease or lease-purchase agreements; requiring relocatable structures; providing for minimum standards for construction; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was moved by Senator Gordon:

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert the following:

Section 1. Short title.—This act shall be known and may be cited as "The Florida Educational Finance Act of 1973."

Section 2. Purposes and intent.—The intent of the legislature is:

(1) To facilitate a more thorough analysis of the state's financial support of public education and to provide a more accurate basis for planning by each of the several school districts by revising the existing formula for the distribution of public funds from the state.

(2) To provide adequate funds for the transportation of students to and from the public schools.

(3) To assume a greater share of the responsibility for state funding of capital outlay by providing a systematic plan whereby each school district will be able to meet the increasing needs for satisfactory school facilities for all students, and to establish the maximum increase in available satisfactory student stations to meet the current and projected needs of the districts as provided herein in the most economically satisfactory manner; to remove existing facility deficiencies related to health and safety to life; and to annually support the amortization of the outstanding ad valorem bonded indebtedness of the school districts.

(4) To encourage innovations in school design, construction techniques, and financing mechanisms for the purposes of reducing costs and creating a more satisfactory environment for learning, and to direct the department to continue the study of developments in the building industry, including the latest developments in construction methods and materials, in design, and in concepts such as turn-key bidding, pre-fabricated construction, modular relocatable units, and use of standardized components.

(5) To supplement the Florida educational finance program by appropriations for categorical programs as provided by law. These categorical appropriations may be funded as general and transitional categorical programs. It is further the intent of the legislature that no transitional categorical program shall be funded for more than four (4) fiscal years from the date of original authorization or the effective date of this act, whichever is last. These programs are as follows:

(a) General.—

1. Capital outlay as provided by law.
2. Community schools as provided by law.
3. Driver education as provided by law.
4. Educational leadership training act programs as provided by law.
5. School lunch programs for the needy as provided by law.
6. Textbooks as provided by law.
7. Vocational improvement fund as provided by law.

(b) Transitional.—

1. Bilingual program development as provided by law.
2. Elementary school counselors as provided by law.
3. Occupational and placement specialists as provided by law.
4. Summer recreation and enrichment as provided by law.

Section 3. Definitions.—Notwithstanding the provisions of section 228.04, Florida statutes, the following terms shall be defined as follows for the purpose of this act:

(1) **Bonded indebtedness.**—Bonded indebtedness is the total outstanding bonds issued or approved by a vote of the electorate for issue by the individual school districts as of the effective date of this act which are to be amortized by ad valorem tax levy.

(2) **Capacity.**—Capacity is the number of satisfactory student stations multiplied by the appropriate uniform utilization factor.

(3) **Deficiencies related to health and safety to life.**—Deficiencies related to health and safety to life are conditions

existing in school facilities that do not meet the standards relating to health and safety to life as prescribed in regulations of the state board.

(4) District housing index.—District housing index is the relationship of the total number of student stations required to adequately house an identified number of students in a school district and the projected number of students for the district.

(5) Full-time equivalent student.—A full-time equivalent student in each program of the school district is defined in terms of full-time students and part-time students as follows:

(a) A full-time student is one student on the membership roll of one school program or a combination of school programs listed under cost factors in section 4(1)(c) of this act for:

1. Five (5) school days or its equivalent, in a standard school, comprising not less than twenty-five (25) net hours for students in or at the grade level of four (4) through twelve (12) and adult; or not less than twenty (20) net hours for students in or at the grade level of kindergarten through grade three (3), or

2. Five (5) school days or its equivalent, in a double session school, comprising not less than twenty-two and one-half (22½) net hours in grades four (4) through twelve (12) or not less than seventeen and one-half (17½) net hours in kindergarten through grade three (3).

(b) A part-time student is a student on the active membership roll of a school program or combination of school programs listed in section 4(1)(c) of this act who is less than a full-time student.

(c) A full-time equivalent student is:

1. A full-time student in any one of the programs listed under cost factors in section 4(1)(c) of this act; or

2. A combination of full-time or part-time students in any one of the programs which is the equivalent of one full-time student based on the following calculations:

a. A full-time student in a combination of programs listed under cost factors in section 4(1)(c) of this act shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per week for which he is a member divided by twenty-five (25); the difference between that fraction and twenty-five twenty-fifths of the week for each full-time student shall be presumed to be the balance of the student's time not spent in said special education programs and shall be recorded as time in the appropriate basic program.

b. A student in the basic half-day kindergarten program of not less than twelve and one-half (12½) net hours shall earn one-half of a full-time equivalent membership.

c. A half-day kindergarten student in a combination of programs listed under cost factors in section 4(1)(c) of this act shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per week for which he is a member divided by twenty-five (25); the difference between that fraction and twelve and one-half (12½) twenty-fifths of the week for each full-time student in membership in a half-day kindergarten program shall be presumed to be the balance of the student's time not spent in said special education program and shall be recorded as time in the appropriate basic program.

d. A part-time student shall be a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per week for which he is a member divided by twenty-five (25); or

3. A student in membership in a program scheduled for more or less than one hundred eighty (180) school days shall be a fraction of a full-time equivalent membership equal to the number of days more or less in proportion thereto times the applicable computations set forth in subparagraph 1 and 2 of this subsection.

(6) Grade group.—For the purpose of calculating the comprehensive construction and debt service program, a grade group is a combination of one (1) or more grade levels, including kindergarten and grades one (1) through twelve (12), exceptional students and out-of-school youth under nineteen (19) years of age, under the control of a school board.

(7) Improved educational environment.—Improved educational environment is the improvements to existing school facilities such as altering, remodeling, improving, maintaining, renovating or repairing which are necessary to provide more suitable facilities as recommended by a school plant survey.

(8) Relocatable.—A relocatable is a school facility designed to be moved to a different site and continued in use as a school facility.

(9) Satisfactory.—Satisfactory is a school facility which has been recommended for continued use by a school plant survey.

(10) School day.—A school day in a standard school is not less than five (5) net hours for grades four (4) through twelve (12) and adult and not less than four (4) net hours for kindergarten through grade three (3). Schools of grades kindergarten through twelve (12) on double session may offer one-half (½) net hour less instruction per student. A school day in half-day kindergartens is no less than two and one-half (2½) net hours. A net hour shall be defined pursuant to regulations of the state board.

(11) School facilities.—School facilities are the buildings and equipment that are built, installed, or established to serve school purposes which may lawfully be used.

(12) School plant.—The school plant is all the physical features incident to or necessary to accommodate students and teachers and the activities of the educational program of each school.

(13) School plant survey.—A school plant survey is a systematic study of present school plant facilities and the determination of future needs of a school district to provide an appropriate educational program for each student conducted by or approved by the department.

(14) School year.—A school year is one hundred eighty (180) school days; provided, however, the department shall determine an equitable method of equivalent funding for experimental schools as approved by the department that deviates from one hundred eighty (180) days.

(15) Student membership.—For the purpose of calculating the current operation program, a student is in membership until he withdraws or until the close of the sixth (6) consecutive school day of his absence whichever comes first.

(16) Student station.—A student station is the appropriate area and environment necessary for a student to engage in educational learning activities appropriate to his needs.

(17) Student station-teacher station ratio.—A student station-teacher station ratio is the number of student stations assigned to each teacher station in a school facility.

(18) Unhoused pupils.—Unhoused pupils are the actual or projected students in average daily membership that are in excess of the existing desirable capacity of the facilities of the district.

(19) Utilization factor.—A utilization factor is the ratio between the total number of student stations and the rated number of students that can be housed in that facility.

Section 4. Funds for current operation of schools.—The annual allocation from the Florida educational finance program to each school district for current operation of schools shall be determined as follows:

(1) Computation of the basic amount to be included for current operation of schools.—The following procedure shall be followed in determining the annual allocation to each school district for current operation:

(a) Determination of full-time equivalent membership.—During each of several school weeks during the fiscal year a program membership survey of each school will be made by each district by aggregating the full-time equivalent student membership of each program, school and district. The department shall establish the number and interval of membership calculations; provided that for basic and special programs such calculations shall not exceed nine (9) for any school year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the state board.

(b) Determination of base student cost.—The base student cost shall be determined annually by the legislature. The state board shall annually recommend to the legislature an appropriate base student cost for the next fiscal year equal to the amount needed to maintain one full-time equivalent student in basic programs with a cost factor of one (1). Such factor shall take into account changes in the state average cost of living.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs are hereby established; provided, however, the application of cost factors in special programs for exceptional students identified by the roman numeral one (I) shall be limited to a maximum of seven twenty-fifths (7/25) of a student membership in a given program during a week. The criteria for qualification for the special programs shall be determined by regulations of the state board. Cost factors for special programs for exceptional students under the minimum age for enrollment in kindergarten will be used to fund programs approved by the department as provided by law.

<i>Basic Programs</i>	<i>Cost Factor</i>
(1) Kindergarten and grades 1, 2, and 3	1.20
(2) Grades 4, 5, 6, 7, 8, 9, and 10	1.00
(3) Grades 11 and 12	1.10
<i>Special Programs for Exceptional Students</i>	
(10) Educable mentally retarded	2.30
(11) Trainable mentally retarded	3.00
(12) Physically handicapped	3.50
(13) Physical and occupational therapy I	6.00
(14) Speech therapy I	10.00
(15) Deaf	4.00
(16) Visually handicapped I	10.00
(17) Visually handicapped	3.50
(18) Emotionally disturbed I	7.50
(19) Emotionally disturbed	3.70
(20) Socially maladjusted	2.30
(21) Specific learning disability I	7.50
(22) Specific learning disability	2.30
(23) Gifted I	3.00
(24) Hospital and homebound I	15.00
<i>Special Vocational-Technical Programs</i>	
(30) Vocational education I	4.26
(31) Vocational education II	2.64
(32) Vocational education III	2.18
(33) Vocational education IV	1.69
(34) Vocational education V	1.40
(35) Vocational education VI	1.17
<i>Special Adult General Education Programs</i>	
(40) Adult basic education and adult high school	1.60
(41) Community service	1.30

(d) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida educational finance program for each district shall be the product of:

1. The full-time equivalent student membership in each program for each district, times
2. The cost factor for each program, times
3. The base student cost figure.

(2) Computation of the amount to be included for supplemental cost factors.—The Florida educational finance program shall be supplemented as follows:

(a) Students in isolated schools of less than one hundred-twenty (120) full-time equivalent students, and as prescribed by regulations of the state board, shall receive a supplement of one-tenth (.1) to four-tenths (.4) of the base student cost as determined by the state board; and

(b) A supplement of one-tenth (.1) of the base student cost shall be added to all full-time equivalent students in basic programs qualifying for compensatory education in accordance with criteria, including low achievement test scores, socioeconomic level and low standard English comprehension level, established by regulations of the state board. Such regulations shall be designed to maintain consistency with applicable federal

law and regulations so as to prevent impairment, interruption, or loss of any federal funds allocated to the state for compensatory education of public school students.

(3) Computation of the amount to be included for ad valorem tax equalization.—Each school district in which the yield of each mill, at ninety-five (95) percent of one hundred (100) percent of the non-exempt assessed valuation used to compute required local effort, divided by the total full-time equivalent student membership, is less than six (6) percent of the base student cost, shall be entitled to an amount equal to the difference between the yield for each full-time equivalent student of each mill levied in excess of the required local effort, up to ten (10) mills, and six (6) percent of the base student cost. For the 1973-74 fiscal year and for the purposes of this subsection only, the level of the required local effort shall be calculated as six (6) mills on the 1973 tax roll.

(4) Determination of cost of living factors.—The cost of living factors shall be determined by the legislature. The state board shall annually recommend to the legislature based upon the most recent study by the department of administration, as authorized by the legislature, a list of districts and factors. For the year 1973-74 these shall be; Dade-1.10, Broward-1.07, Palm Beach-1.07.

(5) Computation of district required local effort.—The amount that each district shall provide toward the cost of the Florida educational finance program shall be calculated as follows:

(a) The aggregate required local effort for all school districts for the school fiscal year 1973-74 shall be three hundred seventeen million dollars (\$317,000,000), and of this amount each school district's required local effort shall be computed as follows:

1. Determine separately for each district and for all districts collectively the value of non-exempt assessed valuation, which value shall exclude the total value of the additional homestead exemptions authorized in chapter 71-309, Law of Florida, as shown on the 1973 calendar year tax roll upon which school taxes for operating purposes are to be collected that year, and
2. Determine for each school district that district's percentage of the state total computed in subparagraph 1, and

3. Multiply the aggregate local required local effort as set forth in this subsection by each district's percentage as determined in subparagraph 2 and the product shall be the individual district's required local effort for 1973-74.

(b) Beginning with the 1974-75 fiscal year and every year thereafter the unadjusted required local effort shall consist of the value of seven (7) mills of tax on ninety-five (95) percent of one hundred (100) percent of the non-exempt assessed valuation of that district for the preceding calendar year upon which taxes may be levied for school purposes and as certified or deemed acceptable by the department of revenue.

(c) From the data certified by the department of revenue, determine the district school tax loss caused by the additional homestead exemptions and the total value of the additional homestead exemptions authorized in section 196.031(3), Florida statutes.

(d) From the total district school tax loss for the current year multiplied by ninety-five (95) percent, deduct the product of the total value of the additional homestead exemptions multiplied by ninety-five (95) percent of seven (7) mills.

(e) Subtract the difference so determined from the unadjusted required local effort as determined in this section.

(f) Beginning in 1974-75 the final amount determined in paragraph (e) shall be that district's adjusted required local effort for that year.

(g) Each school district shall, pursuant to the provisions of section 196.031 (4), 1972 Supplement to Florida statutes, receive an allocation of state funds, from the amount contained in the general appropriations act for this purpose, an amount equal to ninety-five percent (95%) of the actual tax loss as reported by the department of revenue for the fiscal year 1973-74.

(6) Total allocation of state funds to each school district for current operation.—The total annual state allocation to each school district for current operation shall be determined as follows:

(a) Obtain the sum of:

1.

a. For the fiscal year 1973-74, the basic amount for current operation as determined in subsection (1), less the required local effort as determined in subsection (5), multiplied by a cost of living factor as determined in subsection (4);

b. For subsequent fiscal years, the basic amount for current operation as determined in subsection (1), multiplied by a cost of living factor as determined in subsection (4), less the required local effort as determined in subsection (5), and

2. The amount for supplemental cost factors as determined in subsection (2), and

3. Any entitlement to supplemental equalization funds as determined in subsection (3).

(b) The amount thus obtained shall represent the net annual state allocation to each school district; provided that, notwithstanding any of the provisions herein, each school district shall be guaranteed a minimum level of funding for the 1973-74 school year in the amount and manner prescribed below:

1. The department of education shall determine the average unit value for the fiscal year 1972-73 for each district as follows: divide the total number of instruction units included in the 1972-73 Florida minimum foundation program into the sum of the computed cost of the state's share of the Florida minimum foundation program for instructional salaries and current expense other than transportation, plus the calculated amount from a ten (10) mill tax levied on ninety-five (95) percent of the non-exempt assessed valuation of the district as shown on the 1972 calendar year tax roll upon which taxes were collected for school purposes, plus the amount allocated from the state to replace the district school tax loss resulting from the additional five thousand dollars (\$5000) homestead exemption provided in chapter 71-309, Laws of Florida.

2. The average unit value determined in subparagraph 1 shall be increased by five percent (5%).

3. The amount determined in subparagraph (b)2 shall be multiplied by the number of instruction units that would have accrued in a 1973-74 Florida minimum foundation program which shall be calculated following the same procedure used for calculating units in the 1972-73 Florida minimum foundation program.

4. The amount determined in subparagraph (b)3 shall be the minimum level of funding for each district for the 1973-74 fiscal year from the following: the state's share of the Florida educational finance program plus the calculated amount from a ten (10) mill tax levied on ninety-five (95) percent of the non-exempt assessed valuation of the district as shown on the 1973 calendar year tax roll upon which taxes were collected for school purposes, plus the amount allocated from the state to replace the district school tax loss resulting from the additional five thousand dollars (\$5000) homestead exemption provided in chapter 71-309, Laws of Florida.

5. In any school district in which the amount determined in subparagraph 3 does not actually equal or exceed the actual distributions from the specified sources the state share of this total shall be increased in an amount sufficient to assure that each district receives the amount determined in subparagraph 3.

(c) The maximum amount of Florida educational finance program funds for current operations for all school districts for special programs shall not exceed the dollar amount required to fund these programs as included in each of the district's annual educational plans for special programs submitted to the department, and as included in the annual legislative budget; provided, however, that the department is authorized to reallocate funds among districts when they are relinquished by the district to which originally allocated. The method for determining the dollar amount for reallocated funds shall be prescribed by regulations of the state board. For the 1973-74 fiscal year the maximum amount of Florida educational finance program funds for current operations for all school districts for special programs for exceptional students shall not exceed eighty-five million five hundred six thousand five hundred dollars (\$85,506,500) and for

students in special vocational-technical programs and special adult general education programs shall not exceed one hundred fifty-four million four hundred thirty nine thousand five hundred dollars (\$154,439,500).

Section 5. Funds for student transportation.—The annual allocation from the Florida educational finance program to each school district for transportation to the public schools of students in kindergarten through grades twelve (12), and exceptional students shall be determined as follows:

(1) Each school board shall on the dates and in the manner prescribed by the state board of education determine for that district and report to the department of education the membership of all students who are transported to school by reason of living two (2) miles or more from school; however, the mileage limitation shall not apply to transportation of physically handicapped students or to vocational or exceptional students who are transported from one school center to another as authorized by the regulations of the state board of education.

(2) Each school board shall on the dates and in the manner prescribed by the state board of education, determine and report to the department of education the one-way route mileage required to transport students to school for the first time on any school day and the one-way miles on routes between school centers required to transport exceptional students and vocational students to centers where appropriate programs are provided. The one-way route mileage shall be computed by adding:

(a) The loaded miles of each school bus route one-way designated in accordance with section 234.061, Florida statutes, and served by a bus as defined by regulations of the state board of education except that miles traveled for a side route to pick up students living within one and one-half (1½) miles of the main trunk route shall not be added, and

(b) Fifty (50) percent of the miles of the bus route traveled without students.

(3) A density index for each district shall be computed by the department of education annually by dividing the membership of transported students as determined in subsections (1) by the bus route mileage as determined in subsection (2) of this section.

(4) The allocation for each district for a one hundred and eighty (180) day school term shall be calculated in accordance with the following formula:

$$\begin{array}{rcl} \text{Allowable per} & & 434.77 \\ \text{student cost} & = & 2 \div \text{the density} \\ & & \text{index of the district} \quad \text{--- } 13.65 \end{array}$$

provided that the districts with a density index of 1.10 students per route mile or less will be computed as 1.10 and districts with a density of 5.90 or more students per route mile will be counted as having a density index of 5.90. The allocation to each district for transportation shall be determined by multiplying the allowable cost per student by the membership of all students who are transported as determined in subsection (1) of this section.

(5) If a district operates schools more or less than one hundred eighty (180) days, the allocation per student for transportation to such schools shall be calculated by multiplying the quotient of the days the schools operate divided by one hundred eighty (180) days times the allocation per student determined in subsection (4) of this section. The allocation for each district for transportation of students in membership more or less than one hundred eighty (180) days shall be determined by multiplying the allowable cost per student determined in this subsection by the membership of such students who are transported.

(6) When authorized by regulations of the state board of education an allocation of twelve (12) cents per mile shall be allowed for miles traveled by passenger cars with students providing for transportation of isolated students as prescribed by regulations of the state board of education.

(7) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsections (4), (5) and (6) of this section.

Section 6. Funds for comprehensive school construction and debt service.—The annual allocation from the Florida educa-

tional finance program to each school district for the comprehensive school construction and debt service program shall be determined as follows:

(1) Pursuant to regulations of the state board the commissioner shall annually determine the projected school plant and annual debt service needs for each school district and report this annually to the legislature. Prior to the distribution of any funds pursuant to this section the commissioner shall determine that each district's projected school plant and annual debt service needs are established as of January 1, 1974. In determining these needs and in making the report the commissioner shall include the following elements:

(a) Projected student membership by grade groups for the next five (5) year period.

(b) The projected number of unhoused students by appropriate grade groups.

(c) The cost of removing the deficiencies related to health and safety to life standards.

(d) The cost of improving the educational environment in existing school plants.

(e) The most recent construction cost data as determined by the state board.

(f) The five (5) year projected cost of amortizing the annual payment of the bonded indebtedness of the district.

(g) The cost of site acquisition and improvement.

(h) The amount of additional resources available pursuant to the provisions of Article XII, section 9 (d) of the constitution as amended in 1972.

(i) The amount of funds from other sources earmarked for capital outlay purposes available to the school board; however, the amount of the funds is not to include any funds available from tax monies collected from millage elections in excess of ten (10) mills.

(j) District housing index.

(k) Student station-teacher station ratio.

(l) Square footage requirements for program grade groups.

(2) The commissioner shall determine annually the amount to be allocated to each district from the funds appropriated for the purpose of implementing this section as follows:

(a) Determine the costs of the projected school plant needs and five (5) year projected debt service needs for each school district as determined in subsection (1) of this section.

(b) Determine the projected additional resources available under the provisions of Article XII, section 9 (d) of the constitution as amended in 1972, and the amount of funds projected to be available to each school district from other fund sources allocated for school plants.

(c) From the costs of the projected school plant and five (5) year projected debt service needs for each school district subtract the projected additional resources available. The remainder will represent the estimated costs of unfunded school plant and debt service needs for each school district; the total of which for all school districts will be the unfunded school plant and debt service needs of the state.

(d) The funds appropriated annually for the purpose of implementing this section shall be allocated to the respective school districts in proportion to their percentage of the state total of unfunded school plant and debt service needs as determined above. Funds accruing to a school district from the provisions of this section shall be expended first in the order of priority of need as shown by a survey or surveys in the school district under regulations of the state board. When the school plant needs of a district have been met, the funds provided in any year under this section may be used for annual debt service.

(3) The state board may either require or approve that relocatable school facilities be constructed at school centers where there is reason to believe the student membership is unstable

or is projected to decline in future years. The state board may also require or approve utilization of rented or leased facilities.

(4) All school facilities constructed by a school board incorporating the minimum standards prescribed by regulations of the state board as authorized in section 235.26, Florida Statutes, shall be exempt from all county, district, municipal or local building codes and ordinances.

(5) Each school board that is allocated funds under this section shall submit to the commissioner a projection of its anticipated schedule of eligible capital outlay disbursements for specified periods of time as prescribed by the regulations of the state board. Upon approval by the commissioner, the comptroller shall disburse the funds to each school board.

Section 7. Total state allocation to each school district.—

(1) The total annual state allocation from the Florida educational finance program to each school district shall be the sum of:

(a) The total allocation for current operation as determined in Section 4,

(b) The total allocation for pupil transportation as determined in Section 5, and

(c) The total allocation for school construction and debt service as determined in Section 6.

(2) The department shall distribute the annual allocation prescribed herein and all other allocations as provided for by law periodically to each school district in the manner prescribed by regulations of the state board. In any year that appropriations for the state share of the Florida educational finance program are not adequate to fully fund the program as provided in this act each district shall receive a pro rata distribution of the appropriation on the basis that each district's share relates to the share for all districts.

Section 8. Capital outlay and debt service units.—For the purpose of administering the provisions of Article XII, section 9(d) of the constitution as amended in 1972, the number of current instruction units in school districts shall be computed by multiplying the number of full-time equivalent students in each district as defined in subsection (5) of section 3 of this act by the cost factors in section 4(1)(c) of this act except that all basic program cost factors shall be one (1.00) and the special program cost factors for hospital and homebound I and for community service shall be zero (0) and dividing by twenty-two (22).

Section 9. Comprehensive information, accounting and reporting system.—

(1) Comprehensive information and assessment system.—The commissioner shall, by July 1, 1974 develop plans for the design and implementation of a comprehensive management information and assessment system. The plans may be developed using contracted services as are deemed necessary and shall involve representative school districts to assure that individual district management information and assessment systems provide output reports that are compatible with the required input needs of this system. By July 1, 1975 the system shall be in operation in each appropriate division of the department and a compatible system shall be in operation in each district. The commissioner shall report on the progress of the plans to the governor, the state board and the legislature prior to the beginning of the regular 1974 and 1975 legislative sessions. The state plans and system and the compatible district systems shall provide for at least the following:

(a) Determination of the management decisions which will be made at each educational level, and what information is needed at each level; provided however, that the primary unit for information and assessment shall be the individual school.

(b) Standardization of reporting definitions and terms.

(c) Procedures for assuring the compatibility of management objectives at the department, division, and district level necessary to implement public education policy.

(d) Procedures for assuring comparability between student performance information collected and reported by this system and national indicators of student performance.

(e) Compilations of relevant standardized fiscal, student, program, personnel, facility and community information in forms usable at various management and policy making levels.

(f) Integration of all present information components of the appropriate divisions of the department of education into the comprehensive system which shall include such present educational information components such as accreditation, student assessment, school house facilities, and cost accounting.

(g) Procedures for collection and dissemination of collected educational information required by other state agencies and federal agencies.

(h) Procedures for a continuous review of all components of the information system to assure that information collected is necessary, adequate, and reliable, and that it is processed in an efficient manner.

(i) Procedures for minimizing the number and complexity of required input reports generated at the individual school level, consistent with information needs identified at the state and federal levels.

(2) Cost accounting.—Each school district shall account for expenditures of all state, local and federal funds on a school-by-school and a district aggregate basis in accordance with standards established by the department or as provided by law. The method used by each district when recording and reporting cost data by program shall be reviewed and approved by the department in accordance with regulations prescribed by the state board.

(3) Cost reporting.—Each school district shall report expenditures of all funds on a school-by-school and on an aggregate district basis in accordance with standards provided by the department. Definitions of program categories and cost elements to be reported shall be prescribed by regulations of the state board and shall include the programs set forth in the cost factors in section 4(1)(c) of this act. All districts, in cooperation with the department, shall plan mutually compatible programs for the refinement of cost data and improvement of the accounting and reporting system. The department shall report to the legislature thirty (30) days prior to the opening of the regular 1974 session and each year thereafter, the status of district programs and the state's own program for improvement of accounting and reporting of cost data on a statewide compatible basis. The report shall include the anticipated degree of implementation in 1973-74. The refinements and improvements identified in the district's plan and the state plan shall be accomplished within a three (3) year period. Each approved district plan and the state plan shall incorporate procedures or the alternatives considered for minimizing the number and complexity of reports from the school level.

Section 10. Section 236.01, Florida Statutes is repealed.

Section 11. The introductory paragraph of section 236.02, 1972 supplement to Florida statutes, is amended to read:

236.02 Minimum requirements of the Florida educational finance program.—Each district which participates in the state appropriations for the Florida educational finance program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

Section 12. Subsections (4) and (5), and paragraphs (a) and (b) of subsection (6) of section 236.02, 1972 Supplement to Florida statutes, are repealed, and subsections (6), (7), (8) and (9) are renumbered as subsection (4), (5), (6) and (7).

Section 13. Section 236.03, 1972 Supplement to Florida statutes, is repealed.

Section 14. The introductory paragraph and subsections (1), (2), (3), (4), (5), (6), (7), (10), and (11) of section 236.04, 1972 Supplement to Florida statutes, are repealed.

Section 15. Subsection (8) of section 236.04, 1972 Supplement to Florida statutes, is renumbered as section 236.10 and amended to read:

236.10 (8) Units Allocation for occupational specialists.—For each twenty vocational education units one instruction unit or proportionate fraction of a unit shall be allowed. The department of education is authorized to allocate an amount as prescribed annually by the legislature to each district for employment of occupational specialists in the same ratio as the full-

time equivalent student membership in vocational programs to the full-time equivalent student membership of vocational programs of the state for the prior year when used in accordance with regulations prescribed by the state board of education.

Section 16. Subsection (9) of section 236.04, 1972 Supplement to Florida statutes, is renumbered as section 236.11 and amended to read:

236.11 (9) Units Allocation for elementary school counselors.—The department of education is authorized to allocate an amount as prescribed annually by the legislature instructional units for elementary school counselors to the districts in the same ratio as the full-time equivalent membership of the district to the full-time equivalent membership of the state for the prior year in grades kindergarten through six (6) for the employment of certified elementary school counselors. These units shall not earn special teacher service units.

Section 17. Chapter 72-283, Laws of Florida, is repealed.

Section 18. Sections 236.05 and 236.08, 1972 Supplement to Florida statutes, are repealed.

Section 19. The introductory paragraph and subsections (1), (2), (4), (5), (6), (7), (8), (9), and (10) of section 236.07, 1972 Supplement to Florida statutes, are repealed.

Section 20. Subparagraph 1. of paragraph (c) of subsection (3) of section 236.07, 1972 Supplement to Florida statutes, is renumbered as section 236.12 and amended to read:

(c) 1. 236.12 Allocation for summer enrichment and recreation programs.—The aggregate amount included for salaries for instructional personnel for services in the ten month program shall be increased by three and three tenths percent, and such amount shall be included in the minimum foundation for salaries for supervisors, regular instructional personnel, special teacher service personnel, vocational teachers and general adult education teachers in each district when such funds are used to pay the The department of education is authorized to allocate an amount not to exceed six dollars (\$6.00) per full-time equivalent student for the salaries of instructional personnel who are employed, pursuant to regulations of the state board, to conduct enrichment and recreational programs for the two-month period, or fractional part thereof, beyond the ten months of employment required in section 236.02. The school district shall be required to pay such personnel employed beyond the ten months aggregate salaries which shall not be less than the amount provided for such purposes, or the amount provided herein shall be reduced to the aggregate of actual salaries paid, which ever is the lesser. Such regulations of the state board shall permit during such two-month period, or fractional part thereof, the use of such salary funds as hereinafter prescribed.

a. For the employment of supervisors.

b. For the employment of special teacher service personnel.

c. For the employment of general adult education and vocational teachers.

d. For the employment of classroom teachers to provide academic instruction to pupils.

e. For the employment of teachers to provide pre-school orientation for pupils.

Section 21. Paragraphs (a), (b), and subparagraphs 2., 3. and 4. of paragraph (c) of subsection (3) of section 236.07, 1972 supplement to Florida statutes, are repealed.

Section 22. Subsection (2) of section 236.0711, Florida statutes, is repealed.

Section 23. Section 236.09, Florida statutes, is repealed.

Section 24. Section 236.13, 1972 Supplement to Florida statutes, is amended to read:

236.13 Expenditure of funds by school board.—All state funds apportioned to the credit of any district shall constitute a part of the district school fund of that district and shall be budgeted and expended under authority of the school board of that district subject to the provisions of law and regulations of the state board.

Section 25. Section 228.041 is amended to add a new subsection (19) and renumbering all remaining subsections:

228.041 Specific definitions.—Specific definitions shall be as follows and wherever such defined words or terms are used in the Florida school code they shall be used as follows:

(19) *Exceptional students.*—The term "exceptional students" means any child or youth who has been certified by a specialist qualified under regulations of the state board of education to examine exceptional students as one who is unsuited for enrollment in a regular class of the public schools or is unable to be adequately educated in the public schools without the provisions of special classes, instruction, facilities or related services, or a combination thereof. The term "exceptional students" includes the following: The educable mentally retarded, the trainable mentally retarded, the speech impaired, the deaf and hard of hearing, the blind and partially sighted, the crippled and other health impaired, the emotionally disturbed and socially maladjusted, those with specific learning disabilities, and may include the gifted.

Section 26. Subparagraph (m) of subsection (4) of section 230.23 is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) Establishment, organization, and operation of schools.—Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the districts, as follows:

(m) Exceptional students.—Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the state board of education as acceptable, including that:

1. The school board provides the necessary professional services for diagnosis and evaluation of exceptional students;

2. Special instruction, classes and services within district school systems;

3. Contractual arrangements by district boards with approved private or nonpublic schools or community facilities.

2. The school board provides the special instruction, classes and services either within the district school system, or in cooperation with other district school systems or through contractual arrangements with approved private or nonpublic schools or community facilities.

3. The school board submits annually to the department its proposed procedures for the provision of special instruction and services for exceptional students.

4. No student shall be given special instruction or services until he is properly classified as an exceptional student. The parent or guardian of an exceptional student placed or denied placement in a program of special education shall be notified promptly of such placement or impending placement or denial. Such notice shall contain a statement informing the parent or guardian that he is entitled to review of the determination and of the procedures for obtaining such review.

5. In providing for the education of exceptional students the superintendent, principals, and teachers shall utilize the regular school facilities and adopt them to the needs of exceptional students whenever this is possible. No student shall be segregated and taught apart from normal students until a careful study of the student's case has been made and evidence obtained which indicates that segregation would be for the student's benefit or is necessary because of difficulties involved in teaching the student in a regular class.

6. The principal of the school in which the student is taught shall keep a written record of the case history of each exceptional student showing the reason for the student's withdrawal from the regular class in the public school and his enrollment in or withdrawal from a special class for exceptional students and this record shall be available for inspection by school officials at any time.

Section 27. Severability.—If any word, phrase, sentence, paragraph or section of this act be found to be unconstitutional, such finding shall not affect any other part of this act.

Section 28. Effective date.—This act shall take effect July 1, 1973.

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Mallory E. Horne, President May 24, 1973

I am directed to inform the Senate that the House of Representatives has passed SB 488.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

The Honorable Mallory E. Horne, President May 24, 1973

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House amendment and passed as further amended—

SB 406—A bill to be entitled An act relating to elections; amending §101.64(1) (c) and (2), Florida Statutes, and amending §101.65, Florida Statutes, 1972 Supplement, as amended by §9, chapter 72-63, Laws of Florida; to require two attesting witnesses on an absent elector certificate; providing an effective date.

Allen Morris, Clerk

SB 406 passed as amended and was ordered engrossed. The vote was:

Yeas—32

Mr. President	Gordon	Lewis	Sykes
Childers	Graham	Peterson	Trask
Deeb	Gruber	Pettigrew	Vogt
de la Parte	Henderson	Poston	Ware
Firestone	Johnson	Scarborough	Williams
Gallen	Johnston	Sims	Wilson
Gillespie	Lane (31st)	Smathers	Winn
Glisson	Lane (23rd)	Stolzenburg	Zinkil

Nays—None

By unanimous consent Senators McClain and Sayler were recorded as voting yea.

The Honorable Mallory E. Horne, President May 24, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Ware—

SB 478—A bill to be entitled An act relating to dower; amending §§731.34, 731.35(1)—(3), and 731.36, Florida Statutes; eliminating inchoate dower in real property; extending the right to elect dower to the surviving spouse; providing the procedure for the surviving spouse to elect dower; specifying the articles the surviving spouse may be entitled to in addition to dower; providing an effective date.

Amendment 1—On page 4, line 15, strike all of line 15 and insert the following: Section 4. Sections 733.09, 733.10, 733.11, 733.13 and 733.14, Florida Statutes, 1971, are amended to read:

733.09 Duty to assign dower.—The personal representative shall lay off and assign dower immediately after the surviving spouse ~~widow~~ has exercised the ~~her~~ election to take dower.

733.10 Petition for assignment.—For the purpose of enabling the personal representative to lay off and assign dower, he shall file a petition therefor in the county judge's court in which the administration of the estate of the decedent is pending. Citation shall be served upon the surviving spouse ~~widow~~ and the heirs, devisees, legatees and distributees, or such of them as do not appear and join in the proceedings.

733.11 Petition by the surviving spouse ~~widow~~ for assignment of dower.

(1) If the personal representative fails to file a petition for the assignment of dower, the surviving spouse ~~widow~~ may file such petition, setting forth the ~~her~~ claim, specifying as particularly as may be known to such spouse ~~her~~ the property in

which ~~she claims~~ dower is claimed and praying for the assignment of the same. Citation shall be served upon the personal representative, the heirs, devisees, legatees and distributees, or such of them as do not appear and join in the proceedings.

(2) The widow of a man who dies prior to the effective date of this act may in addition file her extraordinary petition or petitions for assignment of dower in the county judge's court of any county or counties in this state where any lands lie which her husband had before conveyed, whereof she had not relinquished her right of dower as provided by law. Citations shall be served upon all persons adversely interested. Proceedings thereupon shall be, as nearly as possible, similar to those for the ordinary assignment of dower.

733.13 Commissioners.—If a judgment for dower is made, the county judge shall select (unless selected by mutual agreement of the parties) and appoint as commissioners three suitable persons who are entirely disinterested and not connected with the parties either by consanguinity or by affinity. Such commissioners may employ a surveyor and shall be allowed such sum as may be deemed reasonable by the county judge to be paid as part of the costs of administration of the estate. They may be removed by the county judge for good cause shown and others appointed in their places. They shall proceed, immediately upon taking oaths faithfully and impartially to execute the trust imposed in them, to allot and set off the ~~widow's~~ dower. All matters of mesne profits shall be decided by the court upon the pleadings and evidence; provided, however, that when the interested parties agree to the allotment of dower, or when the assets are of such value and such a nature that dower may be allotted without the appointment of commissioners, the county judge may, in his discretion, dispense with such appointment and set off and allot dower.

733.14 Final judgment.—In all cases of assignment of dower, the county judge to whom application is made shall, upon hearing after notice, confirm, reject or modify the allotment or assignment made. Such judgment shall vest in the surviving spouse ~~widow~~ a fee simple estate in the lands and the absolute ownership of the personal property allotted. *The surviving spouse is ~~she~~ shall be entitled to writ of possession if necessary.*

Section 5. This act shall take effect October 1, 1973.

Amendment 2—On page 1 in title lines 6-11, strike all of lines 6 through 11 and insert the following: eliminating inchoate dower in real property; providing for equal reciprocal rights of dower and curtesy for either surviving spouse; providing the procedure for the surviving spouse to elect dower; specifying the articles the surviving spouse may be entitled to in addition to dower; amending §§733.09, 733.10, 733.11, 733.13, and 733.14, Florida Statutes, to conform with the surviving spouse provision; providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motions by Senator Ware, the Senate concurred in House amendments 1 and 2 to SB 478.

SB 478 passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—24

Mr. President	Gruber	Pettigrew	Sykes
Deeb	Henderson	Poston	Trask
Firestone	Johnson	Saylor	Vogt
Gallen	Lane (31st)	Scarborough	Ware
Glisson	Lane (23rd)	Sims	Wilson
Graham	Peterson	Smathers	Winn

Nays—11

Childers	Johnston	Myers	Williams
de la Parte	Lewis	Saunders	Zinkil
Gordon	McClain	Stolzenburg	

The Honorable Mallory E. Horne, President May 24, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Ways and Means—

SB 1343—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1973 and ending June 30, 1974, to pay salaries, other expenses, capital outlay-buildings and improvements, and for other specified purposes of the various agencies of state government; suspending sections 216.262, 216.292, 216.301(2), and 236.07(9), F.S.; providing an effective date.

(House amendment attached to original bill)

—and requests the Senate to concur, and in the event the Senate refuses to concur, requests the President of the Senate to appoint a Conference Committee to confer with a like committee to be appointed by the Speaker of the House.

Allen Morris, Clerk

The House amendment constituted an entirely new bill and pursuant to Rule 7.6 was not spread upon the Journal.

On motion by Senator Saunders, the Senate refused to concur in the House amendment to SB 1343, and the request of the House for a conference committee was granted.

On motion by Senator Myers, the rules were waived and the Committee on Ways and Means was granted permission to take up at its meeting this day a committee bill implementing the Myers Act, the Comprehensive Alcoholism Prevention, Control and Treatment Act.

Senator Sykes moved that the Senate reconsider the vote by which SB 743 failed to pass this day.

The Honorable Mallory E. Horne, President May 23, 1973

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Commerce—

CS for SB 835—A bill to be entitled An act relating to chapter 516, Florida Statutes, on certain consumer credit transactions; amending sections 516.02, 516.03(1), 516.05(2)(c), 516.11(1), 516.12(2), 516.15, 516.17, 516.18(1), 516.19, 516.20, and 516.21, and creating sections 516.011, 516.031, 516.231, 516.31, 516.32, 516.33, 516.34, and 516.35, Florida Statutes; renaming chapter 516, Florida Statutes, as the "Florida consumer finance act"; providing for an application and investigation fee increase; providing for investigations outside of the state, and for an annual report delinquency charge; providing for interest rates, and charges and computation of such rates and charges, and for the definition of interest; providing for the amounts that may be loaned; qualification of managers; providing for consumers' protection by licensees by prohibiting certain negotiable instruments; cross-collateral; consumer credit counseling and public disclosure; providing for licensees under chapter 519, Florida Statutes, to be transferred to chapter 516, Florida Statutes; providing for severability; repealing sections 516.14 and 516.05(5), Florida Statutes, and all of chapter 519, Florida Statutes; providing an effective date.

Amendment 1—On page 2, strike all after the enacting clause and insert the following:

Section 1. Section 516.011, Florida Statutes, is created to read:

516.011 Short title.—Chapter 516 shall hereafter be known, referred to, and cited as the "Florida consumer finance act."

Section 2. Section 516.02, Florida Statutes, is amended to read:

516.02 Loans; rate of interest; license.—No person shall engage in the business of making loans of money, credit, goods or choses in action in the amount, or to the value of two thousand five hundred dollars (\$2,500.00) ~~six hundred dollars (\$600.00)~~ or less, and charge, contract for, or receive a greater rate of interest than ten percent (10%) per annum therefor, except as authorized by this chapter and without first obtaining a license from the department, or except as authorized by other statute of this state of banking and finance.

Section 3. Subsection (1) of section 516.03, Florida Statutes, is amended to read:

516.03 Application for license; fees; etc.—

(1) Application.—Application for a license to make loans under this chapter shall be in writing, under oath, and in the form prescribed by the department, and shall contain the name, residence and business addresses of the applicant, and if the applicant is a co-partnership or association, of every member thereof, and if a corporation, of each officer and director thereof, also the county and municipality with the street and number or approximate location, where the business is to be conducted and such further relevant information as the department may require. At the time of making such application the applicant shall pay to the department the sum of *one hundred seventy-five dollars (\$175.00)* as an annual license fee for a period terminating on the last day of the current calendar year, and a further fee of *two hundred dollars (\$200.00)* ~~one hundred dollars~~ for investigating the application and the applicants.

Section 4. Paragraph (c) of subsection (2) of section 516.05, Florida Statutes, is amended to read:

516.05 Issuance of license; denial; review; etc.—

(2) Issuance or denial of license.—If the department shall find:

(c) That the applicant has available for the operation of such business at the specified location liquid assets of at least ten thousand dollars, if the specified location is in a community of twenty-five thousand or less population, according to the last United States census, or twenty-five thousand dollars, if the specified location is in a community of more than twenty-five thousand population, according to said census, it shall thereupon file its findings of fact in its office and enter an order granting such application and issue and deliver a license to the applicant to make loans in accordance with the provisions of this chapter at the location specified in the said application (provided that nothing in this chapter shall be construed to prevent a licensee from lending to residents of any part of this state or any other state or country nor to prohibit the making of loans by mail when authorized by the department). Said license shall remain in full force and effect until surrendered by the licensee or revoked or suspended as provided by law or as may be prohibited by the provisions of this chapter. If the department shall not so find, it shall thereupon enter an order denying such application and notify the applicant of the denial and return the sum paid as a license fee, retaining the *two hundred dollars (\$200.00)* ~~one hundred dollars~~ investigation fee to cover the cost of investigating the application. The department shall approve or deny every application for license hereunder within ninety days from the filing thereof with the said fees.

Section 5. Subsection (1) of section 516.11, Florida Statutes, is amended to read:

516.11 Investigation by department.—

(1) Examinations.—For the purpose of discovering violations of this chapter or securing information lawfully required by it hereunder, the department may at any time investigate loans and business and examine the books, accounts, records, and files used therein, of every licensee and of every person who shall be engaged in the business described in section 516.02, Florida Statutes. If the department shall have reason to believe that any act or business is being done, or is about to be done, which is illegal under this chapter, it may make all examinations and take all steps authorized under this subsection, whether such person shall act or claim to act as principal or agent, or under or without the authority of this chapter. Any person who shall advertise for, solicit, or hold himself out as willing to make loan transactions in the amount or of the value *regulated by this chapter of six hundred dollars or less*, whether as principal, agent, broker, or otherwise shall, for the purposes of this subsection, be presumed to be engaged in such business. For the purposes of this section the department and its duly designated representatives shall have and be given free access to the offices and places of business, books, accounts, papers, records, files, safes, and vault of all such persons *whether within or without the state*. The department and all persons duly designated by it shall have authority to require the attendance of witnesses and to examine under oath all persons whomsoever whose testimony it may require relative to such loans or such business or to the subject matter of any examinations, investigation or hearing.

Section 6. Subsection (2) of section 516.12, Florida Statutes, is amended to read:

516.12 Records to be kept by licensee.—

(2) Annual reports.—Each licensee shall annually on or before the first day of April file a report with the department for the preceding calendar year. Such report shall give information with respect to the financial condition of such licensee and shall include the name and address of the licensee; balance sheets at the beginning and end of the accounting period; a statement of income and expense for said period; a schedule of assets used and useful in the small loan business; an analysis of charges, size of loans and types of security on loans *permitted by this chapter of six hundred dollars or less*; an analysis of delinquent accounts; an analysis of suits, repossessions and sales of chattels and such other relevant information as the department may reasonably require concerning the business and operations during the preceding calendar year of each licensed place of business conducted by such licensee within the state. Such report shall be made under oath and shall be in the form prescribed by the department who shall make and publish annually an analysis and recapitulation of such reports. *Should said annual report not be filed on or before the first day of April of each year, the licensee shall pay a penalty of five dollars (\$5.00) per day for each day of delinquency; provided that, upon application to the department made prior to said date, the department may, for good cause shown, extend such filing date for a reasonable period of time without such penalty.*

Section 7. Section 516.031, Florida Statutes, is created to read:

516.031 Finance charge; maximum rates.—

(1) Interest rates.—Every licensee may lend any sum of money not exceeding two thousand five hundred dollars (\$2,500.00). A licensee may not take a security interest secured by land on any loan less than five hundred dollars (\$500.00). The licensee may charge, contract for, and receive thereon, interest charges as provided and authorized by this section. The maximum interest rate shall be thirty percent (30%) per one hundred dollars (\$100.00) per annum computed on the first three hundred dollars (\$300.00) of the principal amount as computed from time to time, twenty-four percent (24%) per one hundred dollars (\$100.00) per annum on that part of the principal amount as computed from time to time exceeding three hundred dollars (\$300.00) and not exceeding six hundred dollars (\$600.00) and sixteen percent (16%) per one hundred dollars (\$100.00) per annum on that part of the principal amount as computed from time to time exceeding six hundred dollars (\$600.00). The original principal amount as used in this section shall be the same amount as the amount financed as defined by the federal truth-in-lending act and regulation Z of the board of governors of the federal reserve system.

(2) Delinquent accounts.—A licensee may, if agreed to in writing, contract for, impose and collect a delinquent charge of five cents (\$.05) per dollar for each full dollar of an installment which is delinquent for ten (10) or more days, which charge may be imposed only once on each delinquent installment. A charge under this subsection shall be in lieu of all other delinquent or deferral charges.

(3) Any sums called for in subsection (3) above not imposed on the amount prior to the time at which the next installment would be due shall be deemed waived.

(4) Annual percentage rate under federal truth-in-lending act.—The annual percentage rate of finance charge which may be contracted for and received under any loan contract made by a licensee under this chapter shall equal but may not exceed the annual percentage rate which must be computed and disclosed as required by the federal truth-in-lending act and regulation Z of the board of governors of the federal reserve system. When the contract is paid according to schedule, the finance charge earned by the annual percentage rate may equal but shall not exceed the maximum add-on charge permitted by this section. When the annual percentage rate is contracted for and received in lieu of the add-on charge authorized by this section, the annual percentage shall be computed on actual unpaid principal balances of the loan for the time actually outstanding until the loan contract is fully paid. The maximum annual percentage rate of finance charge which may be contracted for and received is twelve (12) times the maximum monthly rate and the maximum annual rate shall be computed on the basis of one-twelfth (1/12) of the annual rate for each full month. The department shall by regulation establish

the rate for each day in a fraction of a month when the period for which the charge is computed is more or less than one (1) month.

(5) *Other charges.*—In addition to the interest and insurance charges herein provided for, no further or other charges or amount whatsoever for any examination, service, brokerage, commission or other thing or otherwise shall be directly or indirectly charged, contracted for or received, except the documentary excise tax and lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing or recording or releasing in any public office, any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter, or actual and reasonable attorney fees as determined by the court in which suit is filed and court costs, including actual and reasonable expenses of repossession, storing and selling of any property pledged as security, as determined by the court in which suit is filed. If interest or charges in excess of those permitted by this chapter shall be charged, contracted for or received, the contract or loan shall be void and the licensee shall have no right to collect or receive any remaining principal, interest or charges whatsoever. In the event of a bona fide error, the licensee shall refund or credit the borrower with the amount of such overcharge within five (5) days of the discovery of such error.

(6) *Divided loans.*—No licensee shall induce or permit any borrower to split up or divide any loan. No licensee shall induce or permit any person, or any husband and wife, jointly or severally, to become obligated to him, directly or contingently or both, under more than one (1) contract of loan at the same time, for the purpose or with the result of obtaining a greater finance charge than would otherwise be permitted by this section.

Section 8. Section 516.17, Florida Statutes, is amended to read:

516.17 *Assignment of wages, etc., given to secure loans.*—No assignment of or order for the payment of any salary, wages, commissions or other compensation for services, earned or to be earned, given to secure any such loans shall be valid, unless the amount of such loan is paid to the borrower simultaneously with its execution; nor shall any assignment or order, or any chattel mortgage or other lien on household furniture then in the possession and use of the borrower be valid unless it be in writing signed in person by the borrower; or, if the borrower is married, unless it be signed in person by both husband and wife; provided, that written assent of a spouse shall not be required when husband and wife have been living separate and apart for a period of at least five months prior to such assignment, order, mortgage or lien.

Section 9. Subsection (1) of section 516.18, Florida Statutes, is amended to read:

516.18 *Rate of interest or consideration.*—

(1) No person engaged in the business of making loans of money, except as authorized by this chapter or other statute of this state, shall directly or indirectly charge, contract for or receive any interest or consideration greater than ten percent (10%) per annum upon the loan, use or forbearance of money, goods or things in action, or upon the loan or use of credit, of the amount of value of two thousand five hundred dollars (\$2,500.00) ~~six hundred dollars~~ or less.

Section 10. Section 516.20, Florida Statutes, is amended to read:

516.20 *Interest defined.*—

(1) Any profit or advantage of any kind whatsoever that any licensee may contract for, collect, receive or in anywise obtain by a collateral sale, purchase, or agreement, in connection with any loan regulated by this chapter of ~~six hundred dollars or less~~ shall be deemed to be interest or consideration for the purposes of regulation under this chapter. Such transactions shall be governed by and subject to the provisions of this chapter, except commissions received as a person licensed by the department of insurance on insurance written as hereinafter permitted, shall be deemed to be interest or consideration for the purposes of regulation under this chapter. However, security consisting of tangible property offered as security may be reasonably insured against loss for a reasonable term, considering the circumstances of the loan, and such insurance shall not be deemed such collateral sale, purchase, or agreement when the policy is payable to the borrower or any member of his family, even though the customary mortgagee clause is attached or the licensee is a coassured; provided, that such

insurance is sold at standard rates through a person duly licensed by the department of insurance.

(2) No licensee shall enter into any contract for a loan under this chapter for six hundred dollars (\$600.00) or less which provides for scheduled repayment of principal more than twenty four (24) months and fifteen (15) days from the date the loan is made, nor enter into any contract for a loan under this chapter for more than six hundred dollars (\$600.00) which provides for scheduled repayment of principal more than thirty six (36) months and fifteen (15) days from the date the loan is made.

Section 11. Section 516.21, Florida Statutes, is amended to read:

516.21 *Restriction of borrower's indebtedness.*—No licensee shall directly or indirectly charge, contract for, or receive any interest, discount, or consideration greater than ten percent (10%) per annum upon any loan, or upon any part or all of any aggregate loan indebtedness of the same borrower, of the amount of more than two thousand five hundred dollars (\$2,500) ~~six hundred dollars~~. The foregoing prohibition shall also apply to any licensee who permits any person, as borrower or as endorser, guarantor, or surety for any borrower, or otherwise, or any husband and wife jointly or severally, to owe directly or contingently or both to the licensee at any time a sum of more than two thousand five hundred dollars (\$2,500.00) ~~six hundred dollars~~ for principal; provided, however, that if the proceeds of any loan of two thousand five hundred dollars (\$2,500.00) ~~six hundred dollars~~ or less are used to discharge a pre-existing debt of the borrower for goods or services owed directly to the person who provided such goods or services, the licensee may accept from such person a guaranty of payment of the principal of such loan with interest at a rate not exceeding ten percent (10%) per annum and the acceptance of one (1) or more such guaranties in any aggregate amount shall not affect the rights of such licensee to make the charges against the primary borrower authorized by section 516.031 ~~516.14~~, Florida Statutes, nor shall the limitation apply to the isolated acquisition directly or indirectly by purchase or by discount of bona fide obligations of a borrower. Provided, however, in the event a licensee shall make a bona fide purchase of substantially all of the loans made under this chapter, from another licensee, or other lender not affiliated with the purchaser and such licensee or other lender shall have an existing loan outstanding to one (1) or more of the borrowers whose loans are purchased, such licensee making such purchase shall be entitled to liquidate and collect the balances due on such loans, including all lawful charges and interest at the rates or amounts agreed upon in such loan contracts.

Section 12. Sections 516.231, 516.31, 516.32, 516.33, 516.34, 516.35 and 516.36 are created to read:

516.231 *Appointment of managers; qualifications.*—Upon application for an original or renewal license, each applicant or licensee shall designate or appoint a manager for each location to be licensed. Each such manager shall have been employed by a licensee under this chapter or under chapter 519, Florida Statutes, or by a subsidiary, affiliate, parent, or partner of the licensee for a total period of at least twelve (12) months or shall have successfully passed an examination based on the law and provisions of this chapter or chapter 519, Florida Statutes, and rules and regulations thereunder. The foregoing requirement shall not apply to any person employed as such principal manager by a licensee on the effective date of this provision.

516.31 *Consumer protection: certain negotiable instruments restricted; assigns subject to defenses; limitation on deficiency claims; cross collateral.*

(1) *Scope.*—This section shall apply to every consumer credit transaction and contract in which any form of credit is extended to an individual to purchase or obtain goods or services for use primarily for personal, family or household purposes.

(2) *Restriction on certain negotiable instruments and installment contracts.*—A holder or assignee of any negotiable instrument or installment contract, other than a currently dated check, which originated from the purchase of certain consumer goods or services, is subject to all claims and defenses of the consumer debtor against the seller of those consumer goods or services. A person's liability under this section may not exceed the amount owing to the person when the claim or defense is asserted against the person.

(3) *Limitations on deficiency claims.*—If a creditor takes possession of property which was collateral under a consumer credit transaction, the consumer shall not be personally liable to the creditor for any unpaid balance of the obligation unless the unpaid balance of the consumer's obligation at the time of default was \$2000 or more the creditor shall be entitled to recover from the consumer the deficiency, if any, resulting from deducting the fair market value of the collateral from the unpaid balance due. In a proceeding for a deficiency the fair market value of the collateral shall be a question for the trier of fact. Periodically published trade estimates of the retail value of goods shall, to the extent they are recognized in the particular trade or business, be presumed to be the fair market value of the collateral.

(4) *Cross-collateral.*—If debts arising from two (2) or more retail installment sales or other credit contracts with individual consumers are secured by more than one (1) security interest or consolidated into one (1) debt payable on a single schedule of payments and the debt is secured by security interests taken with respect to one (1) or more of the sales, payments received by the seller are deemed, for the purpose of determining the amount of the debt secured by the various security instruments, to have been first applied to the payment of the debt arising from the sale first made. To the extent debts are paid according to this section, security interests in items of property terminate as the debt originally incurred with respect to each item is paid. Payments received by the seller or holder upon a revolving account are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of finance charges in the order of their entry to the account and then to the payment of debts in the order in which the entries to the account showing the debts were made. If the debts consolidated arose from two (2) or more credit sales or other credit contracts with an individual which were made on the same day, payments received by the seller or holder are deemed, for the purpose of determining the amount of the debt secured by the various security interests, to have been applied first to the payment of the smallest debt.

(5) *Purchasers of retail installment contracts must be licensed under chapter 520, Florida Statutes.*—A licensee under the consumer finance act who purchases or holds retail installment contracts as defined in section 520.31, Florida Statutes, in Florida shall also be licensed under chapter 520 as an installment sales finance act licensee.

(6) *Waiver by the buyer of any provisions in this section shall be void and unenforceable as contrary to public policy.*

516.32 *Consumer credit counseling.*—The department shall be responsible for promoting a consumer credit counseling service for the purpose of promoting and helping establish consumer credit counseling services for individuals in areas where a need has been established. The purpose of the consumer credit counseling service shall be to:

(1) Assist and educate individual consumers as to money management.

(2) Assist individual consumers in consolidating obligations when a situation exists where the individual consumer is in need of such assistance; and

(3) Work with consumer credit grantors in an effort to establish better relations with the individual consumer and with state and federal regulatory agencies.

516.33 *Public disclosures.*—All findings of facts and orders filed with the department shall be a public record.

516.34 *Transfer of chapter 519, Florida Statutes, licenses.*—All persons holding licenses under chapter 519, Florida Statutes, on the effective date of this act shall become licensees under chapter 516, Florida Statutes, and such 519, Florida Statutes, licenses shall be re-issued by the department showing their new designation as chapter 516, Florida Statutes.

516.35 *Credit insurance must comply with credit insurance act.*—Credit life and disability insurance which is provided at the expense of borrowers must be provided only under a group or individual insurance policy which complies with sections 627.-676 through 627.683 and 627.685, Florida Statutes, and lawful regulations thereunder. The cost of credit life and disability insurance which is paid by borrowers shall be deducted from the principal amount of the loan and shall be disclosed on the statement required by section 516.15(1), Florida Statutes, or a combined note and disclosure statement required by federal truth in lending act.

516.36 *Monthly installment requirement.*—Every loan made pursuant to this chapter shall be repaid in monthly installments as nearly equal as mathematically practicable.

Section 13. Subsection (1) of section 516.15 and section 516.19, Florida Statutes, are amended to read:

516.15 *Duties of licensee.*—Every licensee shall:

(1) Deliver to the borrower at the time a loan is made a statement in the English language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the borrower and of the licensee, and the rate of interest charged. Upon such statement there shall be printed in English a copy of §516.031 ~~516.14~~.

516.19 *Penalty for violations.*—Any person who shall violate any of the provisions of §516.02, §516.09, §516.13, ~~§516.14~~, §516.031 or §516.18 shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083.

Section 14. *Severability.*—If any provision of this act shall be held to be unconstitutional, the remaining provisions shall not be affected thereby. The legislature hereby declares that it would have enacted the remaining provisions of this act if it had known of the invalidity of any provision hereafter held to be unconstitutional.

Section 15. *Repeal.*—Section 516.14 and subsection (5) of section 516.05, Florida Statutes, and all of chapter 519, Florida Statutes, consisting of sections 519.01, 519.02, 519.03, 519.04, 519.05, 519.06, 519.07, 519.08, 519.09, 519.10, 519.11, 519.12, 519.-13, 519.14, 519.15, 519.17, 519.18, and 519.19, are hereby repealed.

Section 16. This act shall take effect October 1, 1973.

Amendment 2—On page 1, strike the entire title and insert the following:

A bill to be entitled An act relating to certain consumer credit transactions; amending sections 516.02, 516.03(1), 516.05 (2)(c), 516.11(1), 516.12(2), 516.15, 516.17, 516.18(1), 516.19, 516.20, and 516.21, and creating sections 516.011, 516.031, 516.-231, 516.31, 516.32, 516.33, 516.34, 516.35 and 516.36, Florida Statutes; renaming chapter 516, Florida Statutes, as the "Florida consumer finance act"; providing for an application and investigation fee increase; providing for investigations outside of the state, and for an annual report delinquency charge; providing for interest rates, and charges and computation of such rates and charges, and for the definition of interest; providing for the amounts that may be loaned; qualification of managers; providing for consumers' protection by licensees by prohibiting certain negotiable instruments; providing for monthly installments; cross-collateral; providing for purchasers of retail installment contracts to be licensed under chapter 520, Florida Statutes; consumer credit counseling and public disclosure; providing for licensees under chapter 519, Florida Statutes, to be transferred to chapter 516, Florida Statutes, providing for severability; repealing sections 516.14 and 516.05(5), Florida Statutes, and all of chapter 519, Florida Statutes, providing an effective date.

—and requests the concurrence of the Senate therein.

Allen Morris, Clerk

On motion by Senator Barron the following amendment to House Amendment 1 was adopted:

Amendment 1a—On page 16, between lines 17 and 18 insert: Section 516.37 is created to read:

516.37 *Transactions governed.*—Nothing in Chapter 516 shall apply to any transaction, contract or loan other than one involving an extension of credit by a licensee as defined in Chapter 516.

On motion by Senator Barron the following amendment to House Amendment 1 was adopted:

Amendment 1b—On page 6, line 21, strike "shall" and insert: may

On motion by Senator Barron the following amendment to House Amendment 1 was adopted:

Amendment 1c—On page 6, line 14, after the "." insert: Payments shall be applied first to current installments, then to past-due installments, and then to delinquency charges, if any.

On motion by Senator Barron the following amendment to House Amendment 1 was adopted:

Amendment 1d—On pages 6 and 7, line 25, strike the sentence beginning with the words "when the contract is paid . . . , " and thereafter through the word "paid." on line 4 of page 7.

On motion by Senator Henderson the following amendment to House Amendment 1 was adopted:

Amendment 1e—On page 5, lines 19 and 20 strike "five hundred dollars (\$500)" and insert: one thousand dollars (\$1000)

On motions by Senator Barron, the Senate concurred in House amendment 1 as amended and in House Amendment 2 to CS for SB 835.

The action of the Senate was certified to the House.

On motion by Senator Poston, HB 1982 was withdrawn from the Committee on Transportation and by two-thirds vote was placed on the consent calendar for May 25.

SPECIAL ORDER

The Senate resumed—

CS for HB 734—A bill to be entitled An act relating to education; establishing a new formula for distribution of minimum foundation program funds; providing for supplements thereto, providing for the required local effort, providing for categorical program funds; providing for supplemental program funds; establishing a new transportation funding formula; establishing a management information system; establishing a hold harmless provision; establishing a capital outlay program to finance K-12 public school construction; determining need; assuming local bonded indebtedness; providing a formula for allocating funds; providing for lease or lease-purchase agreements; requiring relocatable structures; providing for minimum standards for construction; providing an effective date.

On motion by Senator Williams the following amendment to Amendment 1 was adopted:

Amendment 1a—On page 28, strike Section 28 and insert: Sections 3, 5, 6, 9, 18, 24, 25, 26, and 27 of this act shall take effect July 1, 1973 and the remainder of this act shall become effective July 1, 1974.

On motion by Senator Williams the following amendment to Amendment 1 was adopted:

Amendment 1b—On page 24, strike Section 18 in its entirety and insert: Section 18. Section 236.05, 1972 Supplement to Florida Statutes, is repealed.

On motion by Senator Williams, further consideration of CS for HB 734 as amended was deferred.

On motion by Senator Deeb, the rules were waived and the Senate reverted to—

INTRODUCTION

By Senator Glisson—

SB 1353—A bill to be entitled An act relating to Lake County; amending §8(d) of chapter 67-1607, Laws of Florida, as amended by §1 of chapter 72-586, Laws of Florida; authorizing the board of county commissioners to issue a certificate of competency; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1353.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Saunders—

SB 1354—A bill to be entitled An act relating to Levy County; increasing the fee of auto tag agents in the City of Chiefland and in the City of Williston on tag applications; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Vogt—

SB 1355—A bill to be entitled An act relating to the City of Rockledge; amending Article III, Section 2, Chapter 11094, Laws of Florida, 1971, providing that the mayor shall preside at council meetings instead of the chairman of the city council; designating officers to preside at council meetings in the absence of the mayor and other officers; providing a referendum; and providing for an effective date.

Evidence of notice and publication was established by the Senate as to SB 1355.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Deeb—

SB 1356—A bill to be entitled An act relating to Pinellas County; providing for the repeal of chapter 71-857, Laws of Florida; providing for the issuance of countywide occupational licenses; providing for their sale by the county tax collector; establishing fees to be charged; providing for the distribution to the county and municipalities of proceeds received on a pro rata formula basis and for a year-to-year revision of such formula; providing for the invalidity of license when failing to properly register; providing for penalties and revocation of said license if obtained by fraudulent or misleading information or engaging in fraudulent business practices; providing for delinquency penalties and half-year fees; establishing the Pinellas County Construction Licensing Board; providing definitions; providing for membership terms, powers, duties, jurisdiction and functions of the board; providing for fees; providing for examination committees, and the membership and duties of such committees; providing for the classification, registration, examination and certification of contractors; providing for the registration and certification of contracting partnerships, corporations or other legal entities; designating prohibited activities; providing for disciplinary action by the board; providing penalties, providing exemptions; providing an effective date.

Evidence of notice and publication was established by the Senate as to SB 1356.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Scarborough, HB 1289 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the Calendar.

On motion by Senator Myers, HB 1911 was withdrawn from the Committee on Judiciary by two-thirds vote and placed on the Calendar.

The Senate resumed—

SPECIAL ORDER

On motion by Senator Firestone, unanimous consent was obtained to take up SB 1312 out of order, together with:

By the Committee on Education—

CS for SB 1312—A bill to be entitled An act relating to public colleges; adding paragraph (g) to subsection (1) of section 246.021, Florida Statutes; providing certain schools will be considered colleges.

—which was read the first time by title and SB 1312 was laid on the table.

On motions by Senator Firestone, by two-thirds vote CS for SB 1312 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote was:

Yeas—33

Mr. President	Graham	Pettigrew	Ware
Brantley	Gruber	Plante	Weber
Childers	Johnson	Poston	Williams
de la Parte	Lane (31st)	Sayler	Wilson
Firestone	Lane (23rd)	Sims	Winn
Gallen	Lewis	Smathers	Zinkil
Gillespie	McClain	Stolzenburg	
Glisson	Myers	Sykes	
Gordon	Peterson	Trask	

Nays—None

By unanimous consent Senator Johnston was recorded as voting yea.

On motion by Senator Firestone, the rules were waived and CS for SB 1312 was immediately certified to the House.

Senator Barron announced that the schedule for May 25 would be Local Bill Calendar, Consent Calendar, and in the event these were completed, the Senate would resume consideration of the Special Order Calendar with the exception of CS for HB 734.

On motions by Senator Williams, HB 206 and CS for HB 378 were withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the Calendar.

On motion by Senator Graham, HB 1249 was withdrawn from the Committee on Governmental Operations by two-thirds vote and placed on the Calendar.

ENGROSSING REPORT

Your Engrossing Clerk reports amendments to CS for HB 349 have been examined and the bill returned herewith.

ELMER O. FRIDAY, Secretary

The bill with amendments was ordered certified to the House. The Journal of May 23 was corrected as follows and approved:

Page 494, column 1, line 6, strike "1933" and insert: 1993

Page 498, counting from the bottom of column 1, line 15, strike "Senate" and insert: State

The Journal of May 22 was further corrected as follows and approved:

Page 482, column 2, line 5, strike "2" and insert: 21

Page 484, counting from the bottom of column 2, strike line 16, and insert: Amendment 2c—Insert new Section 6:

Page 485, column 1, strike line 1 and insert: Amendment 2e In subsection 4(a) strike "or §772.083,

CO-INTRODUCER

By permission Senator Wilson was recorded as a co-introducer of SB 608.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:00 p.m. to reconvene at 9:00 a.m., May 25, 1973.